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CALCUTTA REVIEW,

VOLUME XLVI.

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*'No man, who hath tasted learning, but will confess the many ways of profiting by those, who, not contented with stale receipts, are able to manage and set forth new positions to the world: and, were they but as the dust and cinders of our feet, so long as in that notion, they may yet serve to polish and brighten the armoury of truth, even for that respect, they were not utterly to be cast away.'*—MILTON.

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4. The Legal Remembrancer and bi-monthly Journal of the High Court in its Civil Appellate Jurisdiction. Published by George Wyman & Co., Publishers, Calcutta. 1864

5. The Indian Jurist. 1862.
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\* Not continued beyond the first four months.

† These Reports were carried on from 1841 to 1860, Mr. Sevestre was in England from 1860 to 1863, and began to publish again in 1864.

‡ A private speculation, which was soon given up.

§ Published under contract with Government.

|| Mr. Carrau published the decisions from the middle of 1857 to the end of 1859 under the orders of Government.

¶ After 1852, they were printed with the Regular Reports and not in a separate volume.

24. *The Circular Orders of the Court of Sudder Dewanny Adawlut* communicated to the Civil Judges and other civil authorities from 1795 to 1852 inclusive, in one volume with an Index. By J. Carrau, published by authority. Calcutta: Bengal Military Orphan Press. 1853.
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“**STARE DECISIS**” is the well-known legal maxim, which the Judges of England have applied in a strong spirit of conservatism, yet with a due admixture of radicalism, in constructing that grand fabric of law, which, like the British constitution, though not devoid of some imperfections (imperfection being inseparable from all things human), is yet the most stupendous and solid construction of its kind, built up in times ancient or modern. “Two principles,” remarks a philosopher, “govern the moral and intellectual world. One is perpetual progress, the other the necessary limitations to that progress. If the former alone prevailed, there would be nothing steadfast and durable on earth, and the whole of social life would be the sport of winds and waves. If the latter had exclusive, or even if it obtained a mischievous preponderancy, every thing would petrify or rot. The best ages of the world are always those in which these two principles are the most equally balanced. In such ages every enlightened man ought to adopt both principles into his whole mind and conduct, and with one hand develop what he *can*, with the other restrain and uphold what he *ought*.” By equally balancing these two principles, by changing the old for the new, when the new was found better, by tempering the spirit of innovation with cautious foresight, and by permitting no change till the results of experience had

demonstrated the necessity and wisdom of the change, those who have presided at the helm of affairs have been enabled to guide the bark of the state through the tempests of centuries, ever learning wisdom from the mistakes of those who had gone before them and leaving the store of knowledge increased by their own experiences for the benefit of those, who came after them. In the same path the sages of the law have walked, or shall we rather say, have led the way, and by applying to modern combinations of circumstances the rules of the old\* Roman Civil Law, by evolving principles and precedents consistent with an uniform system and design, by respecting the labours of those who had gone before, knowing that the results of their own labours would be respected by those who came after them, they have built up the wonderful fabric of the common law, and those principles of equity, which by known and fixed rules now govern the numberless and multifarious transactions of the busiest nation in the world. "*Stare decisis*" was the maxim that influenced them never to pull down another man's building, unless indeed after mature and careful examination and consideration, in consequence of some defect in the then available materials or known style of workmanship, it was subsequently found to be faulty and unsound and therefore to be removed from an edifice, in which all the parts were to be as perfect as human wisdom and ingenuity could make them.

"It is," says Mr. Broom, "an established rule to abide by former precedents—*Stare decisis*—where the same points come again in litigation, as well to keep the scale of justice even and steady, and not liable to waiver with every new Judge's opinion, as also because the law in that case being solemnly declared and determined, what before was uncertain and perhaps indifferent, is now become a permanent rule which it is not in the breast of any subsequent Judge to alter or swerve from according to his private sentiments." And Lord Cottenham remarked that "with respect to matters which do not affect existing rights or properties to any great degree, but tend principally to influence the future transactions of mankind it is generally more important that the rule of law should be *settled* than that it should be theoretically correct."

English Judges, however, while always desirous of abiding by former precedent, have yet borne in mind Bacon's remark

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\* See Lord Campbell's account of the sources whence Lord Hardwick, the man universally and deservedly considered the most consummate Judge who ever sat in the Court of Chancery, derived his learning and preparation for the great task that he performed. *Campbell's Lives of the Chancellors*. Vol. VI. p. 193.

that "a froward retention of custom is as turbulent a thing as an innovation: and they that reverence too much old times are but a scorn to the new." Where therefore a former determination is clearly contrary to reason, they will not hesitate to alter it. Yet out of respect to the maxim, "*Stare decisis*" and unwilling to appear to change the custom of the realm as settled by judicial decision, they declare not that the former determination was *bad law*, but that it was *not law*.

Law is defined to be a *rule of action*, and municipal laws may be said to be those rules of action, which having been found by experience to be most conducive to the general welfare of the community have been declared by the governing power therein to be binding upon every member of such community. It might naturally be expected that in the early days of a state or individual society of men, many rules would be laid down, which on subsequent trial and experience would be found in some respect defective, and not to be the most suitable that could be devised for regulating the actions and conduct of the members. Again, as the same garments are not adapted for boyhood and manhood, so the same principles of action are not suitable to a society in its infancy and to the same society developed and expanded into a mighty nation. Bare and simple principles may work well enough at first, but diversity of circumstances soon introduces modifications, which considerably affect and not unfrequently wholly alter the application of the original principles. Where laws have at an early period been committed to writing (which has not often happened) other statutes are soon passed abrogating or grafting exceptions on the original rules. There has been in India (which under *our* rule is to a certain extent a new society) a notable instance of this sort of law-making. Statutes have been passed to meet the exigencies of a certain degree of development, which could not with safety be left to guide itself; and subsequent experience abrogated or altered rules made with knowledge imperfect indeed, but which at the time was all that was available.

More commonly however the first rules and principles constituted an unwritten code which formed the usage or custom of the community. Where regular tribunals were established (as in England and in ancient Rome) the usage or custom of the realm was regulated by those tribunals, which tested by their application to practical concerns the rules that had been received by a sort of consent. Not unfrequently (more especially in England) these rules had to be applied to combinations of circumstances, which never occurred to the first propounders of them; and the tribunals, eking them out with the results

of experience and their own ideas of what was fair and right, pretended by a sort of pious fraud, that the new rule derived from this admixture was part of the custom of the realm. In this way a vast quantity of Judge-made law, deriving force and consistency from the maxim "*Stare decisis*," kept pace with the requirements of a progressive state of society. Legislation stepped in often to sanction judicial determination and betimes to abrogate what had been declared to be the custom of the realm, but proving inconvenient and inadvisable could only be rescinded with the consent of the community expressed through the Legislature.

The action of the tribunals must to a certain extent precede perfect legislation. The duty of a Judge is indeed *dicere jus et non dare jus*—to expound not to make the law, and the maxim *Stare decisis* is no doubt capable of being followed in later times, when precedents are in existence, which can be followed. The Courts must however first lay down these precedents; and rules previously prescribed are by the tribunals brought to the touch-stone and tested as to their perfect fitness and adaptability to all the circumstances which they are supposed to govern. The compilation of a perfect code is thus only possible after the tribunals have practically proved the principles and rules sought to be embodied therein. Could the work of Justinian have been composed, if no Prætors had for a long series of years collected in successive *edicta* the rules that were found by experience to be the best and wisest that could be made binding on the community at large? Could the codes, that have already worked so much good in India, have ever been constructed, if the compilers had not found materials ready in the statute and common law of England? These codes have been compiled from existing materials modified, as far as experience to date had rendered modifications possible, in order to suit the requirements of India. The rules and principles, which have been made the basis of these codes, are being daily modified and improved in England; and the application of these codes to the different combinations of circumstances presented in this country, and which could not have arisen in England, will lead to new modifications in another direction not inconsistent with the general rules, but arising in endless variety from their application to particular combinations of circumstances.

From the above it will be evident that in India, in those cases in which no set of principles have been embodied in a code, the decisions of the highest Courts are the only repertory of the law,—and that even where codes have been compiled, there must be a great number of decisions, which contain the



application of the general principles to particular combinations of circumstances in respect of which application the most able and enlightened, not to say men of little ability or erudition, might entertain different opinions and as to which it is most desirable that one uniform rule be followed.

"English jurisprudence," says Burke, "has not any other sure foundation, nor, consequently have the lives and properties of the subject any sure hold but in the maxims, rules, and principles and juridically traditional line of decisions contained in the notes taken and from time to time published, mostly under the sanction of the Judges, called *Reports*." Chief Justice Tindal observed that the decisions of the Courts "are at once the best exposition and the surest evidence of the common law itself." The system of equity also, which exists both in England and America, though derived from the Roman Civil Law, is yet contained for the most part in the decisions of the Court of Chancery. Before printing had induced a general rage for publishing, the decisions of the Courts of Chancery and common law could not be made known at large to all, who were eager for the knowledge contained therein. Certain practitioners of long standing were the repertories of that knowledge to a great extent and it was only in and about the Courts that the knowledge was to be obtained. It must be remembered that until the establishment of the recent County Court system, the administration of justice in England was almost wholly centred in the Courts at Westminster; and the knowledge of the procedure, practice and current of decisions of these Courts was centred in those who practised at Westminster. When these Courts went on circuit, the same Bench and the same Bar went forth to the country parts, and having discharged their functions in the same manner as if employed at Westminster, they returned to Westminster bearing back all their law with them. It was thus impossible to become learned in the law without repairing to study it in the precincts of Westminster and this has been one of many reasons why the book of the law of England has always been a sealed book to the *non-professional*. At the same time it will be obvious that while justice was administered by a competent Bench and Bar at Westminster, there did not exist a very urgent necessity for diffusing the knowledge of legal lore throughout the land.

Let us now turn to India. Since the commencement of our rule the administration of justice has been carried on all over the country at the head quarters of Zillahs or Districts. A number of these were up to 1883 subordinated in Bengal to Provincial Courts; and both before and since a Superior Court

at the Presidency Town has supervised the whole system, being as a Court of Appeal, revision or reference the *dernier ressort* of Indian litigants in India. In a certain class of cases the Privy Council has been a sort of *Ultima Thule*, where those, who had money could travel in search of success, which they had failed to obtain in India. The decisions of the superior Courts in the Presidency Towns and in a still higher degree those of the Privy Council, if not binding on the Zillah and subordinate Courts, have at least ever been regarded as of the greatest authority; and in those decisions is to be found the most important portion of the existing common law of India. By the principles elucidated therein, the proceedings and determinations of the Courts all over the country are judged, when they come before the superior Courts at the Presidency Towns; and the maxim *Stare decisis* has been nominally respected and quoted in India as in England. Under these circumstances it will be evident to the most casual thinker that there exists a paramount necessity in this country for diffusing into every district a thorough acquaintance with the decisions of the Courts in the Presidency Towns and of the Judicial Committee of the Privy Council. The necessity is one, which did not exist and could not have existed in England previous to the establishment of the present County Courts; and since the introduction of this important reform, there has been no lack of the diffusion of this kind of knowledge in these days of rapid publishing. The error has rather been on the other side and until the introduction of the *Law Reports*, numberless cases were published, many of them containing points before decided and some of them no points at all. At the same time, when the new County Courts were established, the law had long reached a degree of fixity, which is far distant in India, where we are as yet merely in a transition state. The necessity of communicating the decisions of the superior Courts to the Courts in the Mofussil has never, we believe, been contested and, as we shall see, in the course of this article, several attempts have been from time to time made in this direction. Nevertheless, that we may not appear to rest the truth of the proposition upon the mere enunciation of it, we shall give the opinions of some, whose experience must add weight to what they have placed on record in this matter.

In 1813 Mr. Dorin remarked as follows: "I think it should be enacted by a Regulation, that from a given period, the judgments of the Court shall be considered as precedents binding upon itself and on the inferior Courts in similar cases which may arise thereafter. This will have the effect of making

"the superior Courts more cautious and of introducing something  
 "like a system for the other Courts, the want of which is now very  
 "much felt." Again—"Hitherto it has not been much the  
 "custom to refer to precedent and for aught the Judges of the  
 "Court may know, *the same points may have been decided over and  
 "over again, and perhaps not always the same way.* It is obvious  
 "that having something like a system established would tend to  
 "abridge the labours of the Civil Courts." In July 1858 Mr.  
 Welby Jackson, a Judge of the Sudder Court, thus remarked  
 in his Report on the District of West-Burdwan. "The  
 "Moonsiffs say they have no copies of the Sudder Court's  
 "precedents: and neither they nor their vakeels hear of a  
 "new precedent, except by chance or *by finding their deci-  
 "sions under the old holding reversed. Considering the conti-  
 "nued change in the view taken on law points in the Sudder  
 "Court, it is really very difficult for the subordinate authorities to  
 "keep pace with them and for the Moonsiffs and their vakeels impos-  
 "sible."* In the following year (1854) the Judge of Backer-  
 gunge thus addressed the Government of Bengal: "I would take  
 "the opportunity of suggesting to Government the advisableness  
 "of providing the native Judges with Bengalee translations of the  
 "Sudder decisions in order that they may be kept informed of  
 "the legal principles on which, from time to time, civil cases are  
 "adjudicated in the highest Court. In what way they manage to  
 "obtain an imperfect knowledge on this subject, it is hard to say,  
 "but a due regard for the proficiency of the native Judicial service  
 "seems to me to require, that they should not be left to pick up  
 "a knowledge of the legal principles which regulate the decision  
 "of civil questions from the highways, but that they should be  
 "provided with the best means within reach to qualify them for  
 "the administration of their duties in the most perfect manner  
 "attainable. Either the Government should furnish all the  
 "native Judges with a vernacular copy of the Sudder decisions,  
 "or those officers should be told that Government expects that  
 "they will provide themselves with a work so indispensable to  
 "the right performance of their duties." Mr. Macpherson, the  
 author of the work on Civil Procedure, makes the following obser-  
 vations. "The practice and doctrines of the Civil Courts must  
 "be deduced in great measure from an examination of the deci-  
 "sions at large, both those which have been specially adopted  
 "and published as precedents and those which are issued monthly  
 "as a record of the ordinary transactions of the Sudder Court;  
 "for all decisions practically tend to show by what principles the  
 "Court is governed; and they become law, that is to say, they guide  
 "men in their private transactions, and regulate the decisions of the

" Court. No one can make the examination to which I have referred without perceiving that there is a large body of living doctrine which appears to mature itself by degrees in the minds of experienced judicial officers, but which is not to be met with in any definite form, yet by this test the judgments of the inferior Courts are necessarily tried, and no small portion of them are quashed for erroneous procedure, frequently with great severity of comment upon the part of the highest tribunal."

In the following passage taken from Mr. Morley's "Administration of Justice in India" will be found a further and an important reason for making the decisions of the highest tribunal known to the Subordinate Judges more especially to those of them, who are natives of India. "The practice of abiding by precedent is perfectly recognized both by the Hindú and Mahomedan laws. The text of Manu—'If it be asked, how the law shall be ascertained, when particular cases are not comprised under any of the general rules, the answer is this: that which well instructed Brahmins propound shall be held incontestable law'—is, to the Hindú, divine authority for deferring to precedent; and it is perhaps solely on account of the metaphysical tendency of the Indian mind, which has always interfered with the mere practical record of mundane matters, that we do not possess collections of decisions by the more ancient lawyers, which would have been in most cases as conclusive, as they would be desirable in all."

There is yet another point of view from which the subject may be regarded. We believe the time is not very distant when a complete separation of the executive and judicial branches of the public service will become a necessity in certain of the more advanced provinces of India. The want of judicial training is becoming more and more felt by the Government as well as by the public. When the separation shall have been effectually made, the study of Indian common law will become indispensable to all candidates for the Indian Bench; and where at present is this law to be found? Let us again quote Mr. Morley who must be an authority on this point. "The difficulty of attaining a knowledge of the law as administered in our Indian territories," he observes, "is well known to all who have attempted the task, and it is a matter of surprise that so few works exist which tend in any way to facilitate its study. It is submitted that a collection of decisions arranged alphabetically cannot fail to be of the greatest assistance to the student, the Attorney, the Barrister and even the Judge both in India and in this country, no work of the kind existing at present, and the reported decisions being spread over a multitude of volumes, of

"which many are not readily to be met with even in India." The study of English law is wonderfully facilitated by excellent Text-Books in which the principles of each department are concisely set forth and grouped together, so as to render the beginning of the student tolerably easy. The compilation of such Text-Books has been rendered possible by the existence of reports of the decisions, wherein are contained the principles, which can be found more fully detailed by a reference to the cases themselves. In India, we must have proper reports, before we can have Text-Books to abridge and assist the studies of those who seek to prepare themselves for the duties of the Bench or the Bar.

Having thus considered the necessity of a system, under which the decisions of the highest Courts in India might be made known to the subordinate Judges, we shall endeavour to show, what has hitherto been done in this direction; after which we shall discuss what yet remains to be done. Before however passing on to either of these portions of the subject, we shall give a brief outline of the history of *reporting* in England.

The first English reports were contained in the *Year-Books* or *Books of Years and Terms*. These reports were taken down by the prothonotaries or chief scribes of the Courts at the expense of the Crown, were published annually (whence their designation) and are extant in a regular series from the time of Edward II. to Henry VIII. It has been observed that they are rather curious for their antiquity, than valuable for their contents, which are undigested and loosely revised. King James the First subsequently at the instance of Lord Bacon appointed two reporters on salaries of £100 a year each, who should authoritatively print such decisions of the Courts and such only as would be useful, guarding against the publication of crude, trifling, contradictory cases, "which," says Lord Campbell, "had then become alarming and by which we are now overwhelmed." Unfortunately however this arrangement made by King James's so-called ordinance was soon permitted to fall through. The task of reporting fell in consequence into private hands, and became a subject of private enterprise; men who were qualified and men who were not qualified became reporters; and the result has been, that a vast mass of reports has been accumulated, some of which are valueless and many of them wholly erroneous. It has happened that the same decision has been differently reported and two quite contradictory accounts of it published. "Each of our numerous Courts," says Mr. Warren, "has voluntary reporters of its proceedings—The House of Lords :

"the Privy Council: each of the three Superior Courts of  
 "Common Law: the Lord Chancellor, Lords Justices, Master  
 "of the Rolls and three Vice-Chancellors, the Courts of Probate,  
 "Divorce and Admiralty. The proceedings are often reported  
 "by one, two or more separate reporters in separate sets of  
 "reports: and these, quarterly, monthly and even weekly."  
 Another account is as follows:—"Each Court has its reporters  
 "and their volumes often contain trifling matters, that swell  
 "them out to an unreasonable and useless bulk, and which  
 "has had the effect of making lawyers rely more upon the  
 "judgments in particular cases than on the general principles  
 "of law, that form the surest foundation of a sound legal  
 "opinion. The reports of cases occupy upwards of 200  
 "volumes, exclusive of those which relate to election, admiralty  
 "and ecclesiastical law; and it is calculated, that if they con-  
 "tinue proportionably to increase to the end of the present  
 "century, they will occupy upwards of *one thousand volumes!*"  
 A third account runs thus:—"The law reports are in the  
 "present day private speculations. A law-bookseller, who  
 "happens to think such an undertaking will pay, contracts with  
 "one or two Barristers to publish reports of the cases decided  
 "in a particular Court. The Judges have, to some extent,  
 "sanctioned or authorized particular sets of reports for particular  
 "Courts, but they allow any reports to be quoted: and the  
 "consequence is that, beside the authorized reports in every  
 "Court, there are several sets of unauthorized reports published  
 "weekly or monthly and eagerly competing with each other.  
 "In order to give customers something for their money, every  
 "word that falls from every Judge in England or Ireland or  
 "from the Law Officers of the city of London is recorded in  
 "some form or other. The consequence is, that a thick and  
 "costly 8vo. volume, of which a large proportion is utterly  
 "worthless, is published every year about the proceedings of  
 "every Court; and members of the profession are obliged to  
 "buy it, because here and there it contains an important case."

The evil adverted to in the above passages had been keenly felt for many years, and many remedies had been from time to time propounded. At length on the 28th November, 1864, a meeting was specially convened to discuss the subject under the presidency of the then Attorney-General, Sir Roundell Palmer; and the discussion resulted in the establishment of the Council of Law Reporting. Sir Fitzroy Kelly became chairman of the Council, which comprised among its members some of the greatest ornaments of the profession. "The object of the scheme," as stated by its promoters, "was the preparation under professional

“ control through the medium of the Council, by Barristers of  
 “ known ability, skill and experience, acting under the super-  
 “ vision of editors, of one complete set of reports, to be  
 “ published with promptitude, regularity and at a moderate  
 “ cost, in the expectation that such a set of reports will be  
 “ generally accepted by the profession as sufficient evidence  
 “ of case-law ; so that the Judge in decision, the advocate in  
 “ argument, and the general practitioner in the advice he gives  
 “ to his client, may resort to one and the same standard of autho-  
 “ rity. The principle upon which the *Law Reports* are established  
 “ is that, as they are designed for a public object and purchased  
 “ by the profession for professional purposes, they ought to be  
 “ supplied at a price, which represents no more than the cost of  
 “ preparation, publication, distribution and management—the  
 “ cost of preparation including a fair and liberal remuneration by  
 “ way of salary to the editors and reporters—and that any surplus  
 “ proceeds, that may remain after answering these purposes ought  
 “ not to be made the subject of private profit or emolument, but  
 “ should be applied exclusively to professional objects.” The  
*Law Reports* have been now more than two years in existence ; and  
 the objects proposed by the promoters of the scheme have a prospect  
 of full realization. A standard of uniformity has been set up,  
 and there is every hope that all parties interested will conform  
 thereto, and thus that the many evils of the previous system or  
 rather want of system will be obviated in future.

Turning now to India, we shall endeavour to show what has  
 been done in a similar direction, more especially in the Bengal  
 Presidency, to which our experience has been confined and from  
 whence our materials have been for the most part obtained. Various  
 reports of the decisions of the Supreme Court have been published  
 from time to time. A valuable series of notes of cases by *Sir Edward Hyde East*,  
 Chief Justice of the Calcutta Supreme Court from 1813 to 1822,  
 was placed at the disposal of the late Mr. Morley and by him inserted  
 in the appendix to his *Digest of Indian Cases*. *Sir Francis Macnaghten*,  
 a Judge of the same Court, inserted reports of cases by way of  
 illustration in his “ considerations on the Hindú Law as current  
 in Bengal,” published in the year 1824. *Mr. Longueville Clarke*  
 included notes of cases decided on important points of native law  
 in his edition of the “ Rules and Orders of the Supreme Court at  
 Calcutta ” published in 1829. A single number of reports of cases  
 of the same Court was published by *Mr. Bignell* in 1831. *Mr. Smoult*  
 published in 1834 a collection of orders on the plea side of the  
 Supreme Court at

Calcutta from 1774 to 1813 and inserted therein succinct but useful notes of cases of important points of practice. *Mr. Morton* published in 1841, a collection of decisions of the same Court. *Mr. Fulton* published a single volume of reports in 1845. *Mr. Montrion* published a volume of reports of the decisions of six months of the year 1846. *Mr. Taylor* continued these reports to the end of the year 1848, and in conjunction with *Mr. Bell* carried them down to the year 1853. *Mr. Montrion* also edited (1848 to 1851) a second edition of *Morton's* reports greatly amended and improved by the addition of further cases and notes, and he subsequently published in continuation, a collection of thirty-nine cases of Hindú Law, decided by the Supreme Court from 1810 to 1840. The cases decided by the same court from April 1856 to 1859, were reported by *Mr. Boulois*, now Judge of this Chief Court in the Punjaub: and here the list of the reports of the Calcutta Supreme Court ends.

At Madras *Sir Thomas Strange*, Chief Justice, published in 1816 decisions of the Madras Supreme Court: and some decisions of the Bombay Supreme Court were published at home in 1853 by *Sir Erskine Perry*, formerly Chief Justice of Bombay.

All the above reports related to cases decided by the Supreme Courts before the amalgamation of these Courts with the Sudder Dewanny and Nizamut Adawluts, which were the old Company's Courts not established by Royal Charter: they were in most cases edited by English Barristers, and in many respects resembled similar productions at home. It is clear that there was a demand for such publications, but when it is remembered that the jurisdiction of the Supreme Court was limited to the Presidency Towns, it will be manifest that no such effectual demand could arise, as would make the publishing and editing of the Supreme Court Reports a remunerative speculation. This must account for the fact that a single volume of some reports only was published, and then the undertaking was abandoned, lucrative employment no doubt in many instances inviting to other work more strictly professional the Barrister-editor, who had taken up *reporting* while waiting for briefs, perhaps with the object of thus bringing himself into notice and abridging the period of hope. Be this as it may, the publication of the Supreme Court Reports was never continued for any length of time by the same promoters bestowing their whole attention on the task; and even at the present day no undertaking is likely to succeed permanently in a pecuniary point of view, which limits itself to the cases decided on the original side of the existing High Courts.



We turn now to the reports of the decisions of the Chief or Sudder Court, which exercised appellate and controlling authority over the mass of tribunals civil and criminal charged with the administration of justice in the *Moffussil* or interior of the country and outside the limits of the Presidency Towns. This is the part of the subject with which our present article is more immediately concerned, and which shall therefore be treated with more detail. In the early days of the Company's Courts the proceedings of the Sudder Dewanny Adawlut (chief Civil Court) and Sudder Nizamut Adawlut (chief Criminal Court) were kept in the English language and were copied for transmission to the Governor-General and the Court of Directors. It was in consequence necessary to require complete translations of the proceedings in cases appealed to the Sudder Court, which were in the vernacular in the lower courts. Under the new constitution of the Court as created by Regulation II. of 1801, the practice of keeping English proceedings, except as far as convenient for miscellaneous English correspondence and conducive to regularity, was discontinued; and copies of the Court's proceedings were not required to be furnished in future, except in cases of appeal to the Privy Council, or of reference to the Governor-General, as prescribed by the Regulations. The office of translator to the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut was abolished, and the subordinate courts, as a general rule, were no longer required to send translations of their proceedings, which were read in the vernacular in the higher Court. In order however to furnish the Court of Directors and the Governor-General in Council with the information before obtainable from the copies of proceedings submitted to them, it was proposed by the Court and approved by the Government, that an annual report should be prepared from the beginning of 1805 of all Civil Cases decided by the Dewanny Adawlut and of all trials, in which sentence was passed by the Nizamut Adawlut. A Deputy Register and a second assistant were added to the establishment for the purpose of preparing these reports, copies of them were transmitted to the Governor-General in Council and to the Court of Directors. Cases of importance were *selected* by the Judges and published for general information. "It cannot be necessary," says Mr. Harington, "to enlarge upon the utility of this measure, as calculated to establish precedents and to promote the uniform administration of justice in cases not expressly provided for by the Laws and Regulations."\* He adds in a note

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\* Harington's Analysis, Vol. I. p. 143.

that the first volume of "reports of select causes adjudged in appeal before the Sudder Dewanny Adawlut, previously to the year 1805 and from that year to the end of 1811", with a second volume containing reports of select criminal cases adjudged by the Court of Nizamut Adawlut from the year 1805 to the end of 1811 had been printed and published with an Index before the beginning of 1819, when he left India.\* A new edition of this first volume was published in 1827 by William Hay Macnaghten, then Register of the Court. The following is an extract from his preface: "On the occasion of publishing this new edition of the first volume of reported civil cases . . . it may be as well to mention for the information of those not immediately acquainted with the forms of proceeding in the Company's Courts, that the proceedings are held in Persian and the opinions and decrees of the Judges delivered and recorded in that language. *It is only very rarely that an English minute is placed on the record,* and such a minute, when resorted to, only contains what the Persian record has already in substance. The reports contained in this volume were chiefly prepared by Mr. W. Dorin, now a Judge of the Sudder Dewanny and Nizamut Adawlut and formerly Reporter to those Courts. Some few of the cases towards the latter end of the volume, were prepared by Messrs. Bird and Holt Mackenzie. The notes appended to

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\* In the despatch of the 10th May, 1804, the Court of Directors remark as follows:—"We concur with Mr. Forster however in the utility of a report, as proposed by him, upon cases which have been adjudged on the authority of expositions of the Hindû or Mahomedan Law, given by the Law Officers of the Sudder Dewanny Adawlut, and are further of opinion that it would be highly useful, if such a report were prepared in future of all civil cases decided by the Court of Sudder Dewanny Adawlut as well as of criminal cases determined by the Court of Nizamut Adawlut. The formation of such a report, of which copies might be submitted for the information of your Excellency in Council and of the Hon'ble the Court of Directors, would perhaps save the necessity of translating and transcribing the whole of the proceedings of the two Courts; and while the requisite allowance to an officer qualified for the discharge of this duty under the inspection of the Courts would be considerably less than the stated expense of two English copies of the proceedings at length, a well arranged report of the most important parts of them, viz., of all judgments and sentences contained in them, would, we conceive, afford far more ready and satisfactory means of information upon the general administration of Civil and Criminal justice. We shall only add that the report suggested would also facilitate the periodical or occasional publication with the sanction of your Excellency in Council of such adjudged cases as from their involving any question of law or other matter of importance it might be deemed proper to make public, as precedents to the other Courts of justice or for general information."

"the different cases are entitled to weight, as having been written or approved by the Judges by whom those cases were decided; and those explanatory of intricate points of Hindú Law are especially valuable, as coming from the pen of Mr. H. Colebrooke."

In the same year (1827), Mr. W. H. Macnaghten published the *second* volume containing select cases from 1812 to 1819 inclusive, and the *third* volume containing select cases from 1820 to 1824. In a letter of the 19th January 1827 from the Secretary to the Supreme Government to Mr. Macnaghten, His Lordship in Council considered it very desirable that the reports for previous years should be revised and a new edition, uniform with the third volume, prepared by Mr. Macnaghten, who had offered his services, and, on their being accepted, published in the following June the second edition of the *first* volume above referred to. In the same communication it was remarked that "criticisms on the opinions recorded by the several Judges in a case where a difference of opinion may have occurred, should of course be avoided; but that notes given on the responsibility of the reporter, explanatory of the views taken by the deciding Judges or illustrative of the law on which a decision may have been grounded must often prove highly useful." The ability and diligence evinced by Mr. Macnaghten in the preparation of the reports were held to entitle him to the commendation of Government, and he was also allowed to draw an extra allowance of Rs. 500 per mensem from the 1st June 1825, to the 30th December 1826, which amounted to a total sum of Rs. 9,500. Furthermore for the completion of the criminal reports from 1820 to 1824, and for revising an entire new edition of the civil reports and for the additional duty of preparing the civil and criminal reports of the current year, the Vice-President in Council was pleased to determine that Mr. Macnaghten should draw another extra allowance for the year of Rs. 800 per mensem equal to a further sum of Rs. 9,600. In those days, when no budgets existed to hamper the liberality of the Government, Rs. 19,100 or nearly £2,000 were willingly paid as the reward of ability devoted with industry to the task of publishing the decisions of the Sudder Court.

The *fourth* volume was not published till 1834, and it contained select cases from 1825 to 1829. It was edited by "the Deputy Register and Preparer of Reports" to the Court, but in the preface it is stated that the cases reported in the earlier pages of the volume were selected and prepared by W. H. Macnaghten Esq. and the later cases by his successor in

office C. G. Udny Esq., the same method being observed as heretofore.

The *fifth* volume was not published till 1843 and it contained select cases from 1832 to 1834 inclusive "*by authority of the Court*, reported by J. C. C. Sutherland." Mr. Sutherland's appointment happened in this wise. The publication of the reports had been always long subsequent to the decision of the cases, and when Mr. Macnaghten vacated the office of Register, the great impetus he had personally given to the work seems gradually to have declined. Mr. Udny indeed followed in some respect in his footsteps, but succeeding Registers seem to have regarded the preparation of reports as no part of their legitimate functions. We have seen that Mr. Macnaghten received extra remuneration for the task of preparing the first four volumes; and that about 1805, a Deputy Register and a second assistant were appointed for the express purpose of preparing the reports then required to be submitted. It will be in this way apparent that the duty of preparing the reports was scarcely intended to devolve upon the Register,\* and after Mr. Macnaghten and Mr. Udny had vacated the appointment, the gentlemen, who subsequently filled it, seem to have taken no active share in the work. The reports in consequence fell more and more into arrears. In February, 1835, Mr. Reid, the *then* Register brought it to the notice of the Court that the civil reports of 1830, 1831, 1832, 1833 and 1834 were in arrear and that it would be impossible for Mr. Harvey, the Deputy Register and Reporter, over-burdened as he was with other work, to overtake the arrears. He recommended that Mr. J. C. C. Sutherland should be employed to bring up the civil cases and that payment by contract should be made for the work. Mr. Sutherland asked Rs. 100 for each case. One of the Judges expressed a strong opinion that he was well qualified for the task, as he had in a very clear and able manner reported some of the Court proceedings in the public papers. The Government of Bengal accordingly sanctioned the arrangement. Mr. Sutherland's method was to employ one or two assistants in making full reports in Persian of each case, and then from these reports, but always with reference to the original proceedings to prepare a condensed report in English, aiming as much as possible at brevity and rejecting every thing superfluous. This was in some respects similar to the method adapted by the Welch parson, who had

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\* This was the appellation of the officer called the *Registrar* since the amalgamation of the Supreme and Sudder Courts. It is difficult to account for the use of the word *Register* as a noun masculine. It is generally used as a verb or a noun neuter. There was an old word *Registerer*.

been thirty years in the same parish. An old college-fellow asked him how he contrived to vary his sermons during this long period so as not to afflict his hearers with reiteration. His reply was that, when he had preached a sermon in English, he translated it into Welch and then back again into English and his hearers never recognized the original.

In 1836, the Court of Directors in forwarding certain decisions of the Privy Council observed as follows:—"It appears to us to be of great importance to the due administration of justice, that these judgments should receive the attentive consideration of the Judges of the several Courts under your Presidency. With this view we transmit you (a separate number in the packet) several printed copies not only of the judgments pronounced in the appeals in which we now forward His Majesty's Orders, but of those also, which have been pronounced in the appeals from the other Presidencies . . . and we direct that you cause them without delay to be translated into the native languages, and communicated for information and guidance, where you may deem it necessary or expedient." A copy of these observations being forwarded to the Court of Sudder Dewanny Adawlut in order to have the necessary translations made, the Court were at the same time called upon to report how the publication of the select reports was progressing and to propose measures for performing the new duty imposed upon them and preventing future accumulations. "His Lordship," the letter concludes, "attaches great importance to the regular publication of the reports of cases and, under the recent orders of the Hon'ble Court, of the translations of the judgments pronounced by the judicial committee of the Lords of the Privy Council, and is therefore very desirous that measures should be taken to place the branch of the Court's establishment by which those duties ought to be executed on a permanently efficient footing." To this the Court replied that the civil reports up to 1834 were expected to be ready by the end of 1837, and that the cases for 1835 were ready to go to the press, while the criminal reports up to the end of 1834 had already been published. They recommended that the Privy Council judgments should be translated by contract. They pointed out that in the preparation of the civil reports, a minute examination of the Persian record was necessary in the first instance in order to ascertain whether the appeal contained any precedent which merited notice or preservation: and that, when a case had been selected, the Reporter was to furnish, from the Persian record, a correct abstract of the facts and an accurate translation of the opinions of

the Judges on the particular point upon which the decision hinged. The Court remarked that this duty imposed upon the Deputy Register a very considerable degree of labor; and that, if these duties were to be placed on a permanently efficient footing, it would be absolutely necessary that a properly qualified officer should be entertained, who should receive a fixed sum for every case selected and prepared for publication, and who should moreover engage to give his entire time and attention to this particular duty. It was thus proposed to relieve the Deputy Register of the task of preparing the civil reports, while other duties were assigned him including the preparation of the criminal reports, which, it was observed, was a task of much less difficulty, as the Sessions Judges were required by Section 57, Regulation IX. of 1793 to send with every trial referred to the Nizamut Adawlut a letter containing their opinion of the case, and in almost all instances this letter contained a general detail of the particulars developed in the trial. The Government in reply to these proposals sanctioned the translation of the Privy Council judgments by contract: but were averse to withdrawing the preparation of the civil reports from the Deputy Register, holding that he could perform this duty if relieved "from duties of less moment, which need not be assigned to a highly qualified covenanted officer." The Government moreover observed that the real difficulty of reporting cases seemed to consist in their selection, and that this difficulty might easily be done away with. The Governor of Bengal therefore proposed that the court should lay it down as a rule of practice that the Judge who finally decided a case or the majority of deciding Judges should note if it was deemed worthy of report, and that a memorandum of all such notes should be kept in the Register's office for the guidance of his Deputy, who would thus be spared the delicate and difficult task of selection. The same rule, it was said, might be beneficially extended to criminal cases. In their proceedings of the 3rd March following (1837), the Court adopted this recommendation and resolved that "any Civil or Criminal cases which may be considered worthy of report shall henceforward be noted as such by the Judges, who decide them, and that a list of such cases be kept by the Register for the use of his Deputy." They also proposed other arrangements for relieving the Deputy Register, who was directed to proceed with the preparation of the current reports from 1835, while Mr. Sutherland was told to expedite the publication of those in arrear up to 1835. They were not published, as we have seen, till 1843 or some six years afterwards. The Deputy

Register meanwhile laboured at the preparation of the current civil cases, and in 1844, volume VI. "*containing select cases from 1835 to 1840 inclusive*" made its appearance, "*approved by the Court.*" The seventh and last volume, "*containing the reports from 1841 to 1848*" also "*approved by the Court,*" was published in 1849. The parts for each year were published separately some time before the appearance of the whole volume, but the cases belonging to any one year were seldom published till from three to four years afterwards, and sometimes the interval was much longer. Before relating the circumstances under which the publication of the *select reports* ceased with the seventh volume we shall recount in chronological order certain other occurrences, which took place in the meanwhile and which had a considerable effect on the whole subject.

On the 29th July, 1843, was passed Act XII. of 1843, the preamble to which is as follows: "Whereas it is expedient, that  
 " the decisions of Courts of Justice and the reasons for the  
 " decision should be written and signed by the Judge at the  
 " time of pronouncing his decision and in the vernacular  
 " language of the Judge, it is hereby enacted,"—(Section 1.)  
 " that, in all the Presidencies, so much of all decrees as consists of  
 " the points to be decided, the decision thereon and the reasons  
 " for the decision, and all injunctions for the revision of decrees in  
 " regular suits, and all orders for reviews of judgment, which  
 " shall be passed by Judges of the *Sudder Courts* or by Judges of  
 " Zillah and City Courts, or by subordinate or Assistant Judges of  
 " Zillahs, shall be written originally in English and signed by  
 " the Judge or Judges at the time of pronouncing such decision  
 " and orders: and shall be translated into the vernacular lan-  
 " guage commonly used in the Court, wherein the suit to which  
 " the decree or order relates shall have been instituted; and the  
 " translation shall be incorporated in the decree." \* Immediately upon this Act being passed, the Government of Bengal asked the opinion of the Sudder Court as to the advisability of publishing these decrees in monthly numbers for general information. The Court in reply saw no objection to the publication of the decisions recorded in English, provided a selection were made of such of them as contained precedents on points of law, it being obviously useless to accumulate

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\* Act XII. of 1843 was repealed by Act X. of 1861 and in consequence of the introduction of the present Code of Civil Procedure, Sections 184-185 of which contain provisions somewhat similar. See also Act XXXIII. of 1854, which applies to *decisions, sentences or final orders made or passed by any officer of the East India Company acting judicially*, and is in force where Act VIII. of 1859 does not apply.

precedents on points already settled. The Government of Bengal or rather its Secretary, Mr. Halliday, observed that the Court had misapprehended the chief purpose of the proposition made to them. "Selected cases are now annually (?) published by the Sudder Court to serve as precedents and guides to the lower Courts in matters of law and practice," writes Mr. Halliday, "these selections will for the present at least continue to be published, and therefore it is not for the sake of collecting precedents of law that the new proposition is made, for that is already provided for. But the new proposition is made in order to improve the general working of the Sudder Court itself by bringing it more constantly and prominently than at present before the view of an intelligent public. In English Courts of Justice there are always numerous and intelligent auditors and spectators; and (which is of still greater importance) there is a highly educated and critically observant Bar, before whom, if the Bench would retain their necessary superiority, a constant exertion of skill and display of learning are indispensable. Even more influential than this is the daily newspaper report of all that passes, which brings the Bench as it were always before the eyes of the whole nation. In this country these useful if not indispensable checks and stimulants are almost entirely wanting. The spectators in the Sudder Court are few and unintelligent; the Bar though doubtless improving, is looked upon, His Excellency apprehends, with comparatively small respect, and has little influence with the Judges, while newspaper reports are rarely and very incorrectly made. The Governor therefore directs me to request that these decrees may be printed monthly, commencing with the 1st January, 1845, exactly as given and copied into the books and without any subsequent alterations. The impression should be made in an octavo form, as soon as possible after the close of each month, and it may for the present consist of 200 copies. Of these the Court will be pleased to retain ten copies, of which one at least should be for the use of Vakeels. The remainder of the impression will be transmitted regularly to this office for distribution in the usual manner." The Sudder Court carried out these directions and an arrangement was entered into with a Mr. Kirkpatrick, who was to publish the decisions on his own account at the Military Orphan Press, and to supply the Government with any number of copies at prime cost on condition of being allowed to print additional copies for disposal to the public at large. This arrangement was sanctioned experimentally for one year. Mr. Kirkpatrick also proposed to publish an Oordoo version of the decisions, but the Government declined to



support this, though they were not opposed to its being tried as a private speculation. The agreement for one year for the publication of the English decisions was subsequently extended till further orders. About the same time the *summary decisions* of the Court were published in the Bengalee Gazette, translated into Bengalee for the information and guidance of subordinate judicial service.

There were now two sets of reports of the decisions of the Sudder Dewanny and Nizamut Adawluts published at stated intervals. One set was expressly intended to keep the public informed in a sort of newspaper fashion of the proceedings of the Court, was meant to supply the want of an efficient public press and to bring public opinion and criticism to bear upon the administration of justice: all decided cases being published under the directions of the Executive Government: but it was distinctly understood that all these cases were not to be regarded as decisively establishing points of judicial precedent. This object was secured by the publication of the "Select Reports" which, as we have seen, consisted of important cases involving points of law or practice selected (from the commencement of the sixth volume, by the Judges) out of the whole of the decisions of the Court and published by authority. The two sets of reports were not however continued for any length of time. On the 20th April, 1849, Mr. Colvin, a Judge of the Court, recorded a minute in favour of discontinuing the publication of the selected reports of civil decisions. We here quote a portion of it. "The reports from 1820 to 1824 were prepared and published together by the Register in 1827. The selection was not in practice determined by the Judges of the Court, nor were the decisions ever published, as far as I have been able to trace, under its orders as authoritative precedents to be binding prospectively on itself. Volumes I. to IV. of the Civil reports are published, it will be seen from their title pages as by the Register or Deputy Register only. When the publication of reports was entrusted to Mr. J. C. C. Sutherland, the title-page (see Vol. V.) bore the words 'by authority of the Court.' More recently, the reports, as thought fit for publication by the (Deputy?) Register, have been circulated to the Court at large previously to being placed among the selected decisions; and when so placed with its approval, they have been issued as '*approved by the court*,' (see title-page of Vol. VI., and subsequently) and regarded as of final authority, even when the judgments have been those only of single Judges. This mode of forming judicial precedents not to be afterwards open to question is, I think,

“ very unsatisfactory and open to much objection on principle.  
“ No decree ought, it appears to me, to acquire the force of a  
“ binding precedent for the future, unless adopted by a collective  
“ Bench after full argument and reference to former concurrent  
“ judgments similarly passed after a complete discussion at the  
“ Bar. I have extreme reluctance to assenting to any precedent  
“ as of final authority upon a mere perusal of the abstract of  
“ the case and record of the judgment in circulation together  
“ with such subsequent discussion of the case, as can be held  
“ at our English sittings. It is only when a question is  
“ thoroughly sifted upon argument on behalf of the parties  
“ interested, in Court, that we can, I apprehend, feel at all  
“ confident that its merits and bearings are completely before  
“ us. Now that *all* our decisions are published monthly, the  
“ judgments of a Full Bench, when in conformity with several  
“ former like judgments, will, in almost every case, be naturally  
“ viewed as precedents of complete authority, and it must  
“ be left to the Judges, who may successively sit at Full Bench  
“ hearings to build up, in the course of their regular decisions  
“ and with the requisite deliberation and caution, a body of  
“ precedents by which the Court shall permanently be guided.  
“ Some uncertainties and consequent inconvenience may arise  
“ upon this plan: but these evils will be felt chiefly at first,  
“ and in reference especially to single decisions of recent dates,  
“ which may have been followed and may be cited as precedents  
“ from their having appeared among the selected cases; but  
“ in the end, the change proposed will be calculated to ensure  
“ far more soundness and accuracy, and not less certainty  
“ in our interpretation and application of the law. The latest  
“ decision of a Full Bench on a given point will be a fixed  
“ guide for the decisions of the Lower Courts, until that  
“ decision may be varied by another decision of a Full Bench.  
“ At certain intervals, as after every three or five years, a  
“ selection of cases may perhaps be made for publication under  
“ the Court’s direction, not as absolutely binding precedents,  
“ but whenever as many as, say, three concurrent judgments may  
“ appear to have been passed by a Full Bench on the same point.  
“ It will doubtless be of advantage to have such cases brought  
“ together in separate volumes for ready reference. In intro-  
“ ducing a change such as is here recommended, it will be  
“ necessary that our ordinary monthly reports of all decisions  
“ should be made as accurate and precise as possible, and  
“ I would suggest, that we should adopt it as a practice that  
“ the marginal note of the exact point ruled by each decision  
“ should be prepared by the Judges, or the majority by whom the

" decision may have been passed. The labor of preparing the  
 " table of contents of the monthly reports is now with the  
 " Register, which is scarcely fair to him, while what is required  
 " is not only a general Index, but a distinct and correct state-  
 " ment of the point of each decision."

The other Sudder Judges concurred in Mr. Colvin's minute. Mr. Welsby Jackson remarked: " Selections might be made  
 " for the sake of convenience, not with a view to give additional  
 " weight to the cases selected and less to those rejected; but  
 " simply for the purpose of bringing more prominently forward  
 " decisions in which the facts and points of law are clearly and  
 " forcibly laid down and to save the trouble of referring to  
 " such as are less clear, less conclusive and of less importance.  
 " The Register might make the selection without the Court's  
 " intervention, which certainly does give a greater weight to  
 " the selected cases than they ought to carry with them."

This concurrence of opinion was embodied in the following resolution. " The Court find that *Selected Reports* of the cases deter-  
 " mined in the Sudder Dewanny Adawlut have been published  
 " as *approved by the Court* to the end of 1848. They direct  
 " the discontinuance of their publication from the first January  
 " last (1849). As regards the *Selected Reports* of summary  
 " cases, which have also been published to 31st December 1848,  
 " the Court are of opinion that their publication may go on,  
 " not as *approved by the Court*, but with the sanction only of  
 " the Judge in charge of the Miscellaneous Department, whose  
 " decisions they are, and who will note such of them as he may  
 " think useful for publication."

The publication of the Select Reports accordingly ceased, while all the decisions of the Court continued to be published monthly (as proposed by the Government of Bengal in 1844-45) down to the end of 1861. Various selections of cases (as will appear from the list prefixed to this article) were from time to time published by individuals. They were however in most instances mere reprints of the more important or striking cases included in the general monthly publications. In July, 1862 the present High Court was established and as to what has been done since that time we shall speak presently. Before doing so however, there are one or two points which deserve notice.

Most people, who know anything of India, are aware that the administration of justice is in a great degree entrusted to native Judges. Native Deputy Magistrates and Deputy Collectors dispose of a large quantity of criminal cases and of suits connected with land. The subordinate Civil Judges, Principal

Sudder Ameens, Sudder Ameens and Munsiffs deal with the largest proportion of original civil cases ; and the Principal Sudder Ameens have moreover a considerable appellate jurisdiction. A large proportion of these functionaries are wholly ignorant of English at the present day (though the number is gradually decreasing), and some years ago a knowledge of English formed an exceptional accomplishment. It is evident therefore that there was and still is a class, more or less numerous, who could not benefit by the publication of the decisions in English. We have seen that when the Government advocated the publication of all the Sudder cases in 1844-45 for public information and criticism, they declined to support a translation into Urdu. At length however in 1854, the Judge of Backergunge addressed Government, suggesting the advisability of providing the native Judges with Bengali translations of the Sudder decisions in order that they might be kept informed of the legal principles, on which from time to time civil cases were adjudicated in the highest Court, and not left to pick up such knowledge from the highways and *byeways*. Mr. Welsby Jackson, as already mentioned, remarked to the same effect in reporting on East-Burdwan. The Government of Bengal now addressed the Court with a view to something being done. This was not however the first effort that had been made in the same direction. In 1849 two of the pleaders of the Sudder Court proposed to publish translations of the decisions into Urdu. The Court recommended that 350 copies at two Rupees per copy should be taken for the use of the native Courts. This recommendation was not indeed acted upon, yet Múlví Abdúr Sumud carried on the work from 1850 at his own risk. The cost of taking 350 copies at two Rupees each would have been more than Rs. 8,000 per annum, and the Government were unwilling to incur so large an expense at the time. When Mr. Welsby Jackson and the Judge of Backergunge urged on Government the necessity of doing something to enlighten the subordinate portion of the judicial service, the question of expense again stood in the way. Múlví Abdúr Sumud however offered to supply the translations at 12 Rs. per annum or 1 Rupee 4 anas per number. A calculation was made and it was found that there were in Bengal 124 native Judges, who wrote their decisions in Bengali, 48 in Persian, and 63 in Urdu. The Register, Mr. Buckland, therefore, recommended that 175 copies of the Bengali translations and 65 copies of the Urdu translation should be taken, the English decisions being supplied to those, who knew English. The 48 Judges, who wrote their decisions in Persian,

being all in Bengal districts and conversant with the Bengali language, it was thought that they might well be supplied with copies of the Bengali translation. The Court however held that the Urdu translation was the proper one, and accordingly Government was asked to sanction the purchase of 125 copies of the Urdu translation by Múlví Abdúr Sumud and of a similar number of copies of a Bengali translation by Babú Kisto Chuander Haldar and others. The Government of Bengal in reply were of opinion, that the translated decisions should be supplied to the *offices* not to the *officers*: and that every uncovenanted Judge in the Bengal districts should be furnished with a copy of the Bengali version: and every uncovenanted Judge in the Behar districts with a copy of the Urdu version. An expenditure of Rs. 280 per mensem was accordingly sanctioned for the purpose.

In connection with the publication of the decisions of the Sudder Court, it may be well to mention two other species of judge-made law, which emanated from the same source. We speak of *Circular Orders* and the old *Constructions*. Circular Orders contain directions to the Lower Courts generally speaking on points of practice: and are in many instances explanatory of the law. The power of issuing these Circular Orders has always belonged to the Sudder Court and it has been continued by the present Civil and Criminal\* Procedure Codes. Collections of the Civil and Criminal Circular Orders have been from time to time published. Many of those issued by the old Sudder have now become obsolete and the whole of the Circular Orders are at present under revision. The collection and publication in a single volume of all those at present force is a most useful work and one which a total change in the procedure of the Courts has rendered almost necessary.

The *constructions* of the old Sudder have we believe no parallel in English law or procedure. The right to make them was founded on Sections 2 and 3, Regulation X. of 1796. Section 2 of this Regulation ordained that when a precept had been issued by a Provincial Court of Appeal or a Court of Circuit to a Zillah or City Judge or Magistrate, the latter might, if he differed in opinion, suspend its execution and give his reasons for holding otherwise. If the superior authority still maintained the same view, the Zillah or City Judge

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\* Section 443 Act XXV. of 1861. "The Sudder Court shall have power to make and issue general rules for regulating the practice and proceedings of that Court and of all Criminal Courts subordinate to it, and also to frame forms, &c., &c." See also Section 40 Act XIII. of 1861.

or Magistrate was bound to carry out its orders; but, if still dissatisfied, he might have copies of the papers transmitted to the Sudder Court. This reference was to be strictly confined to cases in which the sense of the Regulations, from a difference of construction or otherwise, might appear doubtful and uncertain, and was not to be made in cases clearly left to the discretion and judgment of the Provincial Court or Court of Circuit by the Regulations. Section 3 enacted that where such a reference had been made to the Court of Sudder Dewanny Adawlut or Nizamut Adawlut, the determination of those Courts, "who are empowered to prescribe the forms and conduct to be observed by the Provincial, Zillah and City Courts of Dewanny Adawlut, the Courts of Circuit and the Zillah and City Magistrates in all cases provided for by the Regulations, *agreeably to their construction thereof*," was to be held final and conclusive. From the above it might be obvious that *constructions* could only be made by the Sudder Court in cases which had actually occurred. From the correspondence, which eventually resulted in the cessation of these constructions, it is however apparent, that they had extended to extra-judicial questions. The correspondence commenced in this way. The Sudder Court issued a construction defining the offence of perjury, to which the Government took exception. After some discussion, the following extract from a Dispatch of the Court of Directors (No. 21, dated 29th September, 1841,) was communicated by the Government to the Court, who were requested to act strictly in accordance with the principles conveyed therein. "On the subject of *constructions of law* promulgated by the Sudder Court in Circular Orders for the guidance of the inferior tribunals, we entirely concur in the sentiments which you have expressed. The practice may be highly serviceable in aiding the judgments and supplying the deficiencies of officers in the judicial department, as well as in securing uniformity in their proceedings: but it is liable to serious objection, if it be found to withdraw the attention of the Sudder Court from the actual business before them to hypothetical cases raised by the ingenuity of persons speculating upon cases of judicature. We are therefore of opinion that the only constructions of law by the Sudder Adawlut, which should be promulgated in Circular Orders for the guidance of the department, are such as may have arisen in the discharge of their appellate jurisdiction, and as may, before being circulated, have been reported for the information of Government." On receipt of the letter containing this extract, the Sudder Court were unanimously of opinion that the Government could

not interfere with or control the issue of constructions, if any such interference or control were meant to be implied in the constructions being reported to Government for information. After some discussion of the whole subject, the Government was asked by the Court, whether the observations of the Court of Directors were to be understood as directed only to the *circulation* of constructions or to the giving of extra-judicial constructions at all. The Deputy Governor of Bengal was of opinion in reply that the Court should abstain from giving *extra-judicial* constructions at all; and that any judicial constructions, which they gave, must be submitted to Government previous to circulation. Upon receipt of this opinion the Calcutta Sudder immediately consulted the Court of the North West Provinces. The following passages from their letter will best convey the ideas of the Calcutta Court. "The Court are now instructed not to give "any other than judicial constructions and not to circulate "even such constructions without previous submission to "Government. The Court will consider these points separately, "leaving the particular instance out of which the present "correspondence has arisen to be dealt with in accordance with "the principles and practice which they propose to show have "invariably governed the proceedings of the Sudder Courts "in regard to the subject under consideration for a long series "of years. The first point for consideration is the power of "the Sudder Courts to give any other than judicial constructions. The Court would remark in the first place that a "reference to the printed construction book will show *that the* "practice of giving extra-judicial constructions has been followed "by the Court since the year 1798, that is, nearly half a century "without having called forth any expression of doubt on the "score of legal competency on the part of any authority up to "the period of the present correspondence. Apart from the "consequences of now declaring every extra-judicial construction "of the Sudder Courts to have been an illegal proceeding, the "Court consider that the mere fact of their undisputed exercise "of such a power for so long a time is quite sufficient to require "the sanction of a legislative provision for depriving them of it. "But that the power is vested in the Court has been fully recognized by the Government itself on various occasions. The Government resolution of the 22nd November 1831, provided that 'in "all instances wherein a reference respecting the meaning and "intent of any regulation may be made to either Court of "Sudder Dewanny Adawlut or Nizamut Adawlut under Section "2, Regulation X. 1796, or Section 2, Regulation XXII.

"1803 or otherwise, the Courts shall respectively communicate  
 "such reference with their sentiments thereon, each to the other,  
 "and no construction on the point so referred, shall be  
 "promulgated until the same shall have received the sanction  
 "of both Courts.' This is sufficient to show that it is only  
 "within a recent period that Government have entertained any  
 "doubt in regard to the law of the case. The same may be fur-  
 "ther shown by a reference to the correspondence which took place  
 "in 1840, and which terminated in the suspension of the objec-  
 "tionable and (in the opinion of this Court) illegal rule, which  
 "prescribed a reference to Government in cases of difference  
 "between the two Courts. The Court however do not consider  
 "that the practice is sanctioned only by long prescription and the  
 "recognition of the Government, but that it has further the  
 "authority of express law. Section 2, Regulation X. 1796,  
 "and the corresponding enactment for the Ceded and Conquered  
 "Provinces refer to cases of difference of opinion between the  
 "Lower Courts: but Section 3, while it provides that the deter-  
 "mination of the Sudder Courts is to be held final and conclusive,  
 "has the declaratory Clause, *that those Courts are empowered*  
 "*to prescribe the forms and conduct to be observed by the subor-*  
 "*dinate Courts in all cases provided for by the Regulations,*  
 "*agreeably to their construction thereof.* Here the law expressly  
 "recognizes the powers of the Court to give other than merely  
 "judicial constructions; and what the construction of that law  
 "itself has been, the practice of half a century sufficiently  
 "shows. . . . With advertence to the  
 "foregoing observations this Court are of opinion that it is  
 "not competent to the Government to deprive the Sudder  
 "Courts of the power of giving extra-judicial constructions in  
 "any other way than by legislative enactment. . . .  
 ". . . . Should the power of the Sudder  
 "Courts in regard to the mere circulation of extra-judicial  
 "constructions be doubted, the Court would refer to the pre-  
 "ceding arguments in favor of their legal authority to pro-  
 "nounce such opinions. The Court conclude that, what opinion  
 "they can give to one officer under their control, they can  
 "give to another. Indeed, it is not the circulation of extra-  
 "judicial constructions, but the power to give such, that is  
 "the real point at issue." The arguments put forward by  
 the Sudder Court were addressed, it will be observed, not to  
 the Government, who disputed the position, but to the North  
 Western Court, who contended for it. Some lurking suspi-  
 cion, that these arguments were untenable, is to be found in  
 the following passage at the close of the letter. "At the



"same time the Court are perfectly ready to meet the wishes  
 "of the Government as far as, consistently with their duty,  
 "they can do so in regard to extra-judicial constructions.  
 "The Courts determined sometime ago not to answer any  
 "merely hypothetical cases. This Court would now suggest  
 "that no constructions be given in any cases, that are appeal-  
 "able: and that officers asking for constructions of law shall  
 "be required to certify distinctly, that the case out of which  
 "the reference has arisen is not appealable to a higher Court."  
 The Western Court concurred generally in the view taken by  
 the Calcutta Court, but recommended that this latter Court  
 should take their stand upon the statute law, remarking that  
 Government could by a mere order in Council direct the dis-  
 continuance of an usage unsanctioned by the authority of  
 a legal enactment. The Calcutta Court now addressed the  
 Government and intimated that in the opinion of both Courts  
 the power of giving *extra-judicial constructions* could not be  
 taken away otherwise than by legislative action, and that the  
 Government had no power to direct, that judicial constructions  
 before issue should be submitted for sanction. At the same  
 time they mentioned the proposed rule that no constructions  
 be given in appealable cases, and that officers asking for con-  
 structions of law be required to certify distinctly that the case  
 out of which the reference arose was not appealable to a higher  
 Court. It was pointed out that this rule, coupled with the  
 new special Appeal Act, which made all *points of law* finally  
 determinable by the Sudder Court, would supersede the necessity  
 of giving any more constructions on points of civil law; while  
 on the criminal side the same practice could be enforced in  
 regard to trials, all which could be brought before the Court  
 on the ground of illegality; and, in regard to miscellaneous  
 criminal orders liable to be contested in a civil action, the Court  
 would always *hesitate to give any construction*. "Extra-judicial  
 "constructions therefore of points of law," the letter concluded,  
 "may be said to cease on the Special Appeal Act coming into  
 "operation, and the Court hope that their printed judgments  
 "will be the only judicial constructions which will be hereafter  
 "promulgated. At all events, to this point the Court will use  
 "their best endeavours to limit their constructions." The  
 Government made no immediate reply to this communication,  
 but in a letter from the Government of India to the Govern-  
 ment of Bengal written in August, 1846, (more than three years  
 afterwards) we find the following passage. "The book of  
 "constructions appears to have been immediately brought to  
 "a close, and such constructions of law as the Sudder Court

" have since promulgated in the form of Circular Orders relate  
" only to the jurisdiction and procedure of the subordinate  
" Courts Civil and Criminal, and exhibit an anxious desire on  
" the part of the Court to confine themselves to the legitimate  
" exercise of the power declared by Regulation X. of 1793 to  
" be vested in them as a superintending and controlling  
" authority. Under these circumstances the interference of the  
" Legislature does not seem to the President in Council to be  
" called for."

The High Court, as already remarked, was established in July 1862; and from that time down to the present, the most important decisions have been published in some form or another. It must be remarked that with the old Sudder ceased all Government arrangements for publishing the decisions of that Court and having them translated into the vernacular for the use of the subordinate Judges, who were not conversant with English. No similar scheme has since been regularly carried out for enabling judicial functionaries in the *Moffussil*, whether European or native, to become acquainted with the High Court decisions; and thus, we believe, an immense amount of good, that might have been done, has been left undone. It must be remembered that few natives take in English newspapers and that none of the English newspapers contain regular reports of cases. An important case is now and then inserted, but an Editor is not the best judge of the importance of legal decisions, and the *most* important are not always selected. The native papers have not yet commenced to insert any law reports in their columns, and to those who do not know English, the decisions of the High Court even so far as published are therefore a sealed book. In this way we can understand why cases are brought into Court, that never would have been instituted in a country like England or America where the public, who are not lawyers, have from newspapers and other sources a sufficient knowledge of their rights to prevent them rushing into Court without a leg to stand upon and lavishing money without any result on legal advisers, who are nearly as ignorant as themselves. The litigiousness of the people of India and particularly of Bengal has often been commented upon; and their ignorance in such matters is one great cause of this litigiousness, the most effectual cure for which will be to disseminate among them a knowledge of their rights as constituted by law, and to improve the judicial service in all its branches, so that the same law may be administered everywhere, and that uniformity and fixedness may be secured. The good expected from the establishment of the High Court will be realized ten-fold, if the law that it

administers be made known to the mass of the public, who must read the decisions of the Court in the vernacular or remain ignorant of them. The interests of the litigant public are, and for a length of time must remain in the hands of a set of men called Mooktears, who have no legal training or knowledge. It is a significant fact that no man ever goes to a Mooktear or Vakeel to ask advice as to whether, under such and such circumstances, he ought to go to law—but having made up his mind first, he then goes to these practitioners to obtain their aid in carrying on his case. The decision of the case in the first Court is only the beginning of the litigation, which from a regular appeal culminates in a special appeal and perhaps in a remand, while the best cases are oftentimes lost in consequence of the remedy being wholly misconceived, or the necessary evidence not being produced to support the real points in issue, though there is abundance of evidence on other points that are not disputed, or which are wholly immaterial. That a certain amount of legal knowledge should reach the *substrata* of the judicial service and of the practitioner class is absolutely necessary before the benefits of the High Court can be adequately realized: and to accomplish this end the publication of vernacular reports of cases for the use of the classes above indicated is obviously most important. If the Lower Courts decide wrongly from ignorance of the law and of the last rulings, or from the case being improperly presented for adjudication by ignorant practitioners, the decision will be reversed on appeal, to the great cost of the parties and to the encouragement of litigation, while as at present an appeal always presents some hope of success. Were the law known to the Courts and to those who practise therein, the same judgment pronounced in appeal would convince parties of the folly of throwing good money after bad, and practitioners would soon find it for their interest to give sound advice as to the chances of appealing.

Of the advantages to be derived from publishing reports of the decisions of the High Courts for the use of those interested therein, we shall say no more on the present occasion. Any one who reflects on the subject, taking even a small degree of interest therein, will find arguments enough to convince him of the absolute utility of the measure; and the opinions of those, whose position and experience make their opinions valuable, have been already quoted in the course of this article. Before, however, the High Court Reports are translated into the native languages for the purposes above indicated, there should be some organized system of reporting in English, which would

command the confidence and approbation of all parties interested in the matter. When the system inaugurated by the Sudder Court came to an end together with this institution in 1862, the necessity of substituting some other system in its place was generally felt: and after some delay and discussion, Mr. Marshall, an English Barrister, was in March 1864 appointed Official Reporter to the Court on a salary of Rs. 1,000 per mensem, with leave to practise at the Bar. The salary was subsequently raised to Rs. 1,300 per mensem, the liberty of practising being at the same time withdrawn. Mr. Marshall immediately on his appointment set to work to bring up the reports from the commencement of the High Court sittings. He began with the civil reports and included only cases selected for their importance by himself. He published within the year five parts making one volume, and containing selected cases from the beginning of July 1862, to the end of July 1863. The criminal cases were to appear subsequently; and Government had expressed its willingness to sanction an expenditure sufficient for translating the published reports into the vernacular languages. Mr. Marshall, however, after working from March to the end of August, resigned: and, with his resignation, the whole scheme fell to the ground. This occurrence taken in conjunction with a similar ending to so many sets of reports started in the days of the old Supreme Court, may show that no scheme can ever be permanently successful in this country, which depends upon an individual for its realization and existence. Better prospects in other directions are sure to invite away young Barristers of ability, who may undertake reporting, while they are waiting for briefs and looking about them to see how to make a beginning. A sufficient salary might perhaps secure permanently the services of a Reporter of sufficient ability; but even then sickness and enforced absence to Europe may occur, when a substitute is not to be had for the efficient performance of the same duties. The general ability with which Mr. Marshall executed his task as far as he went, has, we believe, never been doubted: yet there *was* room for the improvements that result from experience; and his reports are in some places disfigured with errors, which a slight acquaintance with the Mofussil would have rendered impossible, and which point to the advantage derivable from associating a gentleman possessing such experience with a Barrister in any future similar undertaking.

When Mr. Marshall's reports came to an end in July 1864, the loss was severely felt, and, in consequence, private speculation was induced to come forward to supply the want. The enterprising

firm of Messrs. Wyman & Co. had been publishing since September 1863, "*The Revenue, Judicial and Police Journal*," "a monthly serial of the Government Acts, relating to Revenue, "Judicial and Police matters, as they come into force; Circulars "of the Board of Revenue, of the High Court, and of the "Inspector General of Police; and Rulings of the High Court "in Criminal and Revenue cases, &c., &c." This was a sort of *lana sativa*, containing a little of every thing, and calculated rather to meet a paying demand in the Mofussil, than intended to carry out any organized scheme of reporting. The Revenue cases were the most useful part of the publication, which contained no reports of decisions in cases of civil law. *The Legal Remembrancer* was started by the same firm to meet the demand in this direction, but after a few numbers had issued, it was for some cause or other discontinued. The *Revenue Judicial and Police Journal* was carried on successfully to the end of 1865. In January 1866, the proprietors substituted for it "*The Revenue Civil and Criminal Reporter*," a "bi-monthly serial containing the Circulars of the Board of "Revenue and all decisions on appeal to the High Court in "Revenue, Civil and Criminal matters; with Circulars and "letters of the High Court and of the Judicial Department "of the Government of Bengal: Privy Council decisions: "Small Cause Court references, &c., &c." This publication has been supported by the Government subscribing for a number of copies, which are distributed to the Revenue Courts. It is still being carried on, and is, we believe, successful in a pecuniary point of view. It must not, however, be supposed that *all* the decisions of the High Court are therein reported. It contains only selected cases, and the selection is not, we believe, guided by that undivided attention and sound experience, which would be an effectual guarantee, that nothing of real importance to the profession had been omitted to make way for that which though new as an instance is yet referable to principles already founded and settled. The marginal notes also are not such as would meet the approval of an English Reporter and are far inferior to those in Marshall's reports. We do not mean to be hypercritical. We readily acknowledge the utility of the publication, but it cannot be regarded as a substitute for the reports, which we desire to see published, of the decisions of the Calcutta High Court, as near as may be after the model of THE LAW REPORTS, which, issued under the direction of the Council of Law Reporting in England have within the last two years superseded thirteen sets of authorized reports and innumerable unauthorized publications.

In August 1864, was published "*The Weekly Reporter*, Appellate High Court, containing decisions of the Appellate High Court in all its branches, *vis.*, in Civil, Revenue and Criminal cases as well as in cases referred by the Mofussil Small Cause Courts, together with Letters in Criminal cases and the Civil and Criminal Circular Orders issued by the High Court: also decisions of H. M.'s. Privy Council in cases heard in appeal from Courts of British India, by D. Sutherland." This publication has been regularly carried on up to the present date. Mr. Sutherland holds the appointment of short-hand writer to take down judgments orally delivered by the Judges. We are not aware that he is possessed of any legal qualifications to fit him for the difficult task of reporting. His so-called reports are mere office-copies of the judgments orally delivered and taken down by himself, or written out by the Judges before and in order to delivery. The facts of the cases and the arguments of counsel are not given: and the marginal notes or abstracts are sometimes incorrect and seldom hit the point the whole point and nothing but the point decided. Most useful this publication has undoubtedly been in the absence of any thing better and for the purpose of keeping its subscribers informed in a sort of newspaper fashion of the doings of the High Court; but neither it, nor *Wyman's Reporter* can claim for a moment to supersede the necessity for establishing a proper system of reporting. The *Weekly Reporter*, as a speculation has, we believe, proved a profitable one, and the fact that there are at present in existence two publications which have turned out successful investments for private enterprize, is a strong argument to show that an organized system of reporting, inaugurated and subsidized by the Government at first starting, would soon become self-supporting or nearly so.

The best independent attempt that has been made to establish a proper series of reports, since the institution of the Calcutta High Court, is perhaps the *Jurist*. This is mainly due to the fact that the *Jurist* has been generally edited by a Barrister, whose professional training indicated the proper method of executing such a task. But the cases reported in the *Jurist* have in general been those decided on the original side of the Court and few civil cases of Mofussil interest have found their way into its columns, while scarcely any attention has been paid to Criminal or Revenue reports, which are of such importance to judicial functionaries and practitioners in the interior. The *Jurist* is in fact a continuation of the old Supreme Court reports: and those, who have laboured or taken any interest in the undertaking, have known

more of the original side of the Court, than of the appellate side and its requirements and experiences. The result has been that the *Jurist* has not obtained that support in the *Moffussil*, which we believe would have been gladly accorded to the form of the publication, had it contained the necessary matter.

We may remark before closing our narrative of the published reports of the Calcutta Court that Mr. Sutherland and Mr. Sevestre have filled up the gap between Marshall's Reports ending with July 1863, and the *Weekly Reporter* commencing with August 1864, and that Mr. Sevestre still continues to publish selected reports of decisions, some of which are not to be found in the other publications.

We have now detailed what has been done in the way of reporting during the *regime* of the old Sudder and Supreme Courts, and since the institution of the present High Court. The publication of the reports of the Supreme Court was never carried on in any uninterrupted series for reasons already stated. To the Sudder Reports, the *Weekly Reporter* and the *Revenue Civil and Criminal Reporter* are entirely applicable the remarks contained in the following extract from Mr. Morley's chapter on the subject,\* written before the High Courts were established. Speaking of the monthly collections of the decisions of the Sudder Court published by order of Government, he remarks, "Does the present system of publishing the  
" decisions afford to the subordinate judicial officers, the means  
" of acquiring the requisite knowledge for their guidance with  
" the least possible amount of labour and expenditure of time?  
" I apprehend that no one will answer in the affirmative. The  
" judgments themselves, it is true, show, on the face of them,  
" that they are the result of patient investigation and deliberate  
" weighing of the facts, and in numberless instances they are  
" remarkable for their lucidity and precision. It will however be  
" obvious to every one accustomed to the use, and consequently  
" appreciating the value of full and explicit reports of the lead-  
" ing cases decided in the superior Courts of justice, that the  
" meagre record of judgments, however valuable in themselves,  
" without discrimination or comment, regardless of repetition, diffi-  
" cult of reference, and mixing up the most trivial with those of the  
" last importance, can afford but slight instruction to the profes-  
" sion at large." The reports published in England contain a brief clear statement of the facts of the case, the arguments of counsel which refer to the most important cognate decisions, the judgment of the Court and a marginal note or abstract, which

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\* Administration of Justice in India. p. 341.

gives in terse perspicuous language the pith of the decision, the real point actually settled.\* To write a good marginal note, it has often been remarked, requires considerable ability. It may be safely said that no one is fitted for the task, who has not considerable legal knowledge and experience in order to enable him from his general acquaintance with the whole subject to comprehend and appreciate the particular point decided. Mr. Wheaton the accomplished author of the work on International Law, when Reporter of the Supreme Court of the United States, not only gave a summary of the able arguments, by which the cases were elucidated, but explained every important proposition by citation of the authorities adduced by counsel, and by copious notes giving the views entertained on the different questions by able lawyers. His twelve volumes of reports were declared by a German critic to contain the golden book of American law.

In this view it will be apparent that no proper *reports*, in the strict sense of the term, have ever been published, either of the decisions of the Sudder Court, or (Marshall's Reports perhaps excepted) of the decisions of the High Court on the appellate side, and that the undertaking yet remains to be accomplished either by the direct action of the State or by private enterprise. Of the paramount importance of the measure there ought to be no question. The Commissioners appointed to enquire into the expediency of a Digest of the Law of England, and of otherwise exhibiting in a compendious and accessible form the law, as embodied in judicial decisions, made a three-fold division of the sources of law in their first report presented to Her Majesty a few months since, *viz.*,

1. The *first* source is the common law, which consists of customs and principles handed down from remote times, and accepted from age to age, as furnishing rules of legal right.

2. The *second* source is the statute law, which derives its authority from the Legislature.

3. The *third* source is the law embodied in, and to a great extent created by judicial decisions and dicta. These, indeed, as far as they have relation to the common law and statute law, are not so much a source of law as authoritative expositions of it; but, with respect to doctrines of equity and rules of procedure

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\* "Reports," according to Sir W. Blackstone, "are histories of the several cases, with a short summary of the proceedings, which are preserved at large in the record, the arguments on both sides, and the reasons the Court gave for its judgment, taken down in short notes by persons present at the determination."



and evidence, they may often be regarded as an original source of law.

Of these three sources, the *first* is in India greatly influenced by the operation of the third, seeing that the customs and principles handed down from remote times are being gradually re-moulded under the influence of a foreign civilization.

The *second* source engages the attention of an able Jurist, employed by the State in India to keep the statute-book like a well-managed garden, in which everything is ready at hand for seasonable use, and all redundancies are carefully lopped off and removed. New laws are passed yearly under his auspices to meet the requirements of a rapidly advancing community; and the last *Gazette*, as we write, contained the draft of an Act repealing some 150 Acts and Regulations, which have become obsolete.

Shall nothing be done as to the *third* source; or, in order to avoid incurring a present small expenditure, shall it be left to spread neglected and unregulated\* making work for a future

\* The following account by the same Commissioners of the present state of things in England, is fraught with warning.

"The judicial decisions and dicta are dispersed through upwards of 1,300 volumes, comprising, as we estimate, nearly 100,000 cases, exclusive of about 150 volumes of Irish reports, which deal to a great extent with law common to England and Ireland. *A large proportion of these cases are of no real value as sources or expositions of law at the present day.* Many of them are obsolete; many have been made useless by subsequent statutes, by amendment of the law, repeal of the statutes on which the cases were decided, or otherwise; some have been reversed on appeal, or overruled in principle; some are inconsistent with or contradictory to others; many are limited to *particular facts or special states of circumstances furnishing* no general rule; and many do no more than put a meaning on mere singularities of expression in instruments (as wills, agreements, or local Acts of Parliament), or exhibit the application, in particular instances, of established rules of construction. A considerable number of the cases are reported many times over, in different publications; and there often exists (especially in earlier times) partial reports of the same case at different stages, involving much repetition. But all this matter remains, incumbering the books of reports. The cases are not arranged on any system, and their number receives large yearly accessions, also necessarily destitute of order; so that the volumes constitute (to use the language of one of your Majesty's Commissioners) 'what can hardly be described, but may be denominated a great chaos of judicial legislation.'

"At present the practitioner, in order to form an opinion on any point of law not of ordinary occurrence, is usually obliged to search out what rules of the common law, what statutes, and what judicial decisions bear upon the subject, and to endeavour to ascertain their combined effect. If, as frequently happens, the cases are numerous, this process is long and difficult; yet it must be performed by each practitioner for himself when

commission, and meanwhile creating difficulties and uncertainties in the administration of justice, to the great expense of *bona fide* litigants and the encouragement of wanton, if not fraudulent litigation.

We believe that the necessary measures we advocate could be taken without difficulty and with very little cost to the State, and that if a proper system were inaugurated, it would soon become self-supporting to a great extent. We have already shown, that there are at present in existence two publications which are profitable, as private speculations. We are well aware that the cost of *copying* the judgments of the Court, and the other expenses incident to these publications are no proper measure of the expenses, that must of necessity be incurred in carrying out a proper system of reporting; but the fact is an indication that there is a large number of persons in India, who would gladly become subscribers to an authorized set of reports; and that the whole cost of the undertaking would not fall upon Government. We believe that private enterprise, subsidized by Government, would effectually accomplish what is necessary, or that perhaps an enterprising firm of booksellers would be found to take upon themselves the risk of publication, if only the reports were *authorized*, and they were secured the privilege of being sole publishers. The old-established printing firm of Messrs. W. Clowes and Sons undertook the printing, publication and distribution of the *Law Reports* upon terms, which absolved the Council of Law reporting from all pecuniary liability. The result has been all that could have been desired. Could not something of the same sort be done here in Calcutta? If Government would to a small extent subsidize the undertaking, on condition that it be subjected to proper management, there would be no doubt of success. The Judges of the High Court would willingly, we believe, note at the time of decision the cases, which they considered of sufficient importance to be published. Let a Council be constituted, consisting of certain of the Judges and other gentlemen of suitable qualifications. Let the cases so noted for publication be submitted to this Council for approval and farther *weeding*. Let two or more editors be appointed, and let the selections be made so as to secure a union of legal training with *Moffussil* experience, such an union as is now

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the question arises, and in some cases after an interval of time it may have even to be repeated by the same person. Without treatises, which collect and comment on the law relating to particular subjects, it is difficult to conceive how the work of the legal profession and the administration of justice, which greatly depends on it, could be carried on."

found on the amalgamated Bench of the High Court; and let proper measures be taken for translating the *High Court Reports* into the vernacular languages, and let those reports be regarded as the *authorized reports*. And here we may remark that too much stress was laid upon the words *by authority*, when the old Sudder Court stopped the publication of the *Select Reports*. Every decision and every judgment of each Judge must issue under the authority of the Court, but lawyers never give more weight to any decision than it is entitled to, all the circumstances of the case being considered. When a particular precedent is quoted in an *English Court*, it is constantly impugned or supported by the argument, that the decision is "ill-reported"—"a mere *obiter dictum*"—that the case "was ill-argued" or "not argued at all"—"the application was not opposed"—"the Court was equally divided"—or "not unanimous"—"the decision has been disapproved by the Judges"—"the reasons of the judgment are not given"—"no account is given of the pleadings"—"there must have been other facts not apparent in the report"—"a certain previous case was not cited"—"it is inconsistent with previous or later decisions"—"was made in forgetfulness of a particular statute"—"has never been challenged or acted upon"—"was not a deliberate and final judgment"—OR—"it was the *dictum* or decision of an eminent, a cautious, an accurate, a very learned, an acute Judge, of great industry and research; peculiarly skilled in that particular branch of the law"—"it is the judgment of a full Court, or a *strong Court*, or an unanimous Court"—"after time taken for deliberation"—"twice argued"—"argued by eminent, astute and painstaking counsel, who were not likely to overlook any point"—"acquiesced in by the parties"—"never appealed against,"—"constantly cited and acted upon for a number of years"—"certain to have been challenged, if erroneous"—"never disapproved of"—"reported by a gentleman of well-known learning and accuracy"—"consistent with many later cases"—&c.\* It will be thus obvious that the value of every decision is not the same, and is to be estimated *inter alia* by the number of Judges, who pronounced it. The publication of *selected cases*, by permission, or under the authority of the Court does not then imply, that the whole Court, including every Judge on every Bench, accept every one of these cases as a final and decisive settlement of the point decided. It means or should mean nothing more than that the most important cases are published with a view of drawing particular attention to them

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\* See Warren's Law Studies, Vol. II. p. 739 and 740.

as an exposition of the case-law of the country, as far as they go, authoritative indeed as far as the maxim—*Stare decisis*—makes them so; but not immutable as the laws of the Medes and Persians, so as to be incapable of being affected and improved by time and experience.

Beside the decisions, which should be included in the *authorized High Court Reports*, there are many matters connected with the every day current of legal life, as to which judicial officers and practitioners and others would be usefully kept informed. The observations made by the High Court on the revision of Sessions trials, points of practice, explanations of doubtful Sections of the Acts, important *obiter dicta*, &c., &c., which have not the binding effect of final and decisive judgments, but are yet suggestive and important to all engaged in the administration of justice. All these, together with legal news of all kinds, changes, appointments, &c., might well be published in a sort of newspaper addition to the *Reports*, but in size and type kept carefully distinct therefrom—the *one* being merely a passing chronicle of the things of the day, which must possess a certain amount of interest for those, whose daily life is concerned therewith, and who may well be benefited by the experiences of others as well as their own: the *other* being an important collection of case-law compiled for present and future use, to diminish the practical mischief of the necessary maxim *ignorantia juris non excusat*, and to secure uniformity in the administration of justice. A publication such as that we have attempted to describe would create a taste for legal study in the Mofussil, it would bring home their deficiencies to the Judge and to the practitioner, would set them thinking and stir up their minds to improvement; and would supply to a certain extent the present want of criticism and discussion, which are necessary as well as conducive to progress. Stagnant waters become impure, and stagnant air breeds malaria and sickness. The brawling brook contains the purest water, and there is more *ozone* in the air after a storm. So the human mind is improved by discussion and reflection and the attrition of new ideas against old ones.

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ART. II.—*Unpublished Journal of Captain Musafir.*

THE requests which have reached us on the subject, from very many quarters, induce us to lay before the public the third and last division of Captain Musafir's tour in the mountains of Europe. We do so with the less regret because we regard the subject as pre-eminently fraught with interest to Anglo-Indians. Those who have passed the best part of their lives in India, and to whom Europe appears in the same light as did the promised land to the wearied followers of Moses ere yet Pisgah was reached and the waters of the Jordan left behind, are particularly anxious to learn from the experience of travelled Anglo-Indians, what they must do, where they should go, what preparations are necessary for the journey, the capabilities of the countries which they must traverse, the habits of European life, the expenses of travelling, its discomforts, and advantages. Now, we need scarcely repeat that we do not write for those whose sole, or whose chief, object in life is what is called "society,"—a phrase which we take to signify shabby-gentility of the highest order,—a sort of life in which each family vies with its neighbour in profusion of outward show, and in which the giving and attending formal dinner-parties, with their necessary concomitants of late hours and heating stimulants, appear the end and aim of being. Such a life as this, with its many variations, its natural fostering of superficial accomplishments, and its tendency to emasculate the mind, has always appeared to us to be a waste of existence. For those congenial spirits whom it suits these pages are not written. We address ourselves solely to those who love nature in her endless varieties of matchless beauty, who prefer the green slopes of the mountain sides to the waxed floor of the ball-room, the glorious sunrise to the glare of gas-lamps, and the sparkling water of the mountain stream to the peculiar compound which too often does duty as champagne. For these and these alone we string together the rough notes of Captain Musafir. In a perusal of his travels they will find at least some indication of the pleasures which wandering over the Alpine regions opens out to the manly mind ;

they will see that it requires little money and that it entails little trouble to find enjoyment unsurpassed anywhere in the world; and, seeing this, they will think it no deprivation to abstain from costly and unsatisfactory indulgences in this country, in order the more thoroughly to avail themselves, when they are able to take to their furlough, of the rich enjoyment of European travel.

It has been suggested to us by more than one of those who have expressed an interest in the previous account of Captain Musafir's wandering, that we should endeavour to add to the practical character of the narrative by stating in a detailed form the proper outfit of a traveller, the amount of baggage to which he should confine himself, and the expenses of the route. It is our intention to respond as fully as we can to this invitation, and, as we hold very strongly the opinion that the pleasures of travelling, great at all times, are immensely enhanced by the society of ladies, we shall make our remarks on this head applicable to both sexes. We shall indicate the nature and number of the dresses each ought to carry, and shall point out the means by which those who are accustomed to the unlimited amplitude of an Indian wardrobe may be induced to restrict their requirements to the simple necessities of the traveller. In fact we hope to make this paper practically useful to the Anglo-Indians of the class for which it is written.

But before we enter on this part of the subject we shall lay before our readers, from Captain Musafir's notes, his account of his tour in the Tyrol and the mountains adjacent. It was but a simple walk of a month's duration, taken in company with a friend. But though simple, it was beyond description enjoyable. In fact its simplicity constituted one of its chief charms. To see the mountain-peasants in all the vivid reality of unsophisticated life, courteous, friendly, hospitable, fond of strangers, anxious to please, unspoilt by a pseudo-civilization, neither grasping nor reserved, but, in the highest sense of the term, *enjoying existence, going to their work in the morning with zest and returning from it with a light heart, ready to join in the rustic dance, or to listen to the sound of the guitar, its strings deftly struck by the hands of some village maiden*;—to see them, happy and contented, never uproarious or drunken, satisfied with little, never happier than when hired to assist a gentleman in his pursuit of the chamois, or to accompany him in a crusade against the finny tribe;—to see them thus, is a sight now, alas! only to be witnessed in Austria and the Tyrol,—countries in which no over-pressure of a selfish civilization has produced rudeness of speech and sullenness of conduct, and

where, as yet, associations for licensed murder, such as those which have lately been exposed at Sheffield, are, thank God, unknown and impossible. Of all the European races, indeed, there are none who in manly symmetry of form and in womanly beauty, in hearty, honest simplicity of life and manners, and in natural refinement and warm-heartedness, can bear comparison with the peasantry of the four Austrian provinces, *viz.*, Upper and Lower Austria, Styria, and the Tyrol. In this part of the world the traveller, if he be not himself a boor, can enjoy the best and finest of all those blessings which make this earth so bright; he sees the most glorious scenery, not surpassed by Switzerland; he can wander over paths, accessible to all, and of surpassing loveliness; he need take with him only a few clothes, for everything else he finds provided in the cleanest of inns by the most civil of hosts; he has abundant society, for the conversation of the peasants is a mine of gold,—not to speak of the travellers constantly met with; music is there a national passion; sport of all sorts is abundant; civility and kindness are Austrian habits. To enjoy all this it is only necessary that the traveller should be capable of enjoyment; that he should not have been spoiled by artificial manners and that over-refinement of civilization which can see nothing good in a foreigner; that he should conform to national customs and meet politeness with its like. For a man who can do this, and who understands the language of the country, those four provinces are a Paradise.

Captain Musafir's last tour was necessarily limited in point of time. He, alas! had within six weeks of its conclusion to set out once more for his Indian home, and he could spare but one month for the final peep at the country which, during his wanderings of the previous year, he had learned so much to love. It was impossible therefore to traverse the whole of it. Much that is beautiful and lovely has therefore been left for another visit to Europe. Bearing in mind the time available, it was determined by him, in consultation with the friend who was to be his companion, and whom we will call Mercator, to walk first over the Salzkammergut, then, after a glance at the König's See, to proceed southwards to Wiledbad Gastein; crossing thence the Rauriser Tauru to Windish Matrey to make their way *via* Meran to Innsbrück, thence through the Finstermünz Pass, and over the Stelvio into Italy as far as Tirano; from that place across the Bernina into the glorious valley of the Engadin,—the head quarters of the Alpine Club,—and thence *via* Chur and Ragatz to Zurich, where the tour would end. A glance at the map will shew the excellence of the plan, and though the weather, as we

shall see, prevented its being carried out in its entirety, its main features were yet substantially adhered to throughout.

The two travellers met at Salzburg on the morning of the 4th August. In proceeding to that place Musafir took the opportunity of stopping at and inspecting the fine old town of Bamberg, and of renewing his acquaintance with Nuremberg, which he had visited five years before. Both these cities, the symbols of a bygone era, are most interesting. Though very near to one another,—the distance being but thirty-eight miles,—they were respectively, during the religious wars of the seventeenth century, the head quarters of the rival parties in Bavaria,—the free city of Nuremberg being firmly and exclusively Protestant, whilst the archi-episcopal Bamberg was rooted in its attachment to the ancient faith. In this respect they are altered only in so far that they are less exclusive and more liberal, for Bamberg still retains its Romanist character, whilst in Nuremberg, out of a population of 60,000, there are but 4,000 who are not Protestants. Of the two cities Nuremberg claims the attention, to a far greater degree than the other. Once within its walls the traveller lives, as it were, in the sixteenth century, when it was one of the chief cities of Europe, and its fame was in every land. The picturesque streets with their gabled houses still bearing the ancient sign boards; the magnificent churches, uninjured, though Nuremberg became reformed, during the reformation; the fine old castle on the hill overlooking the town, glorious not only from its still stately appearance but from its many reminiscences,—for not only was it the ancient seat of the Hohenzollerns, but from its towers the great Gustavus watched the blockading army of Wallenstein, and from it he sallied to fight his first great battle with the leader whom he was yet destined to beat, though in beating to die. The monuments of Peter Vischer and of Adam Krafft; the paintings of Albert Durer; and, perhaps more than all, the unmistakeable assertion of former glories apparent in every street, in every building, in the lofty demeanour of the inhabitants;—all these are wonderfully impressive. The genius of the place asserts itself everywhere. The stranger is under an influence such as no other city is capable of producing. The magnificence of a past era appeals irresistibly to the spell-bound imagination. The admiration excited by every striking portion of the old town is mingled with reverence and awe; and when he does tear him self away, he is sensible not merely of departure from one place to another, but of a return to the world of the present.



Those who should visit Nuremberg and Bamberg intent upon other objects than merely the inspection of both cities, would do well to remember that they form two angles of a triangle, of which the third angle is Baireuth, containing a most charming district, full of hills and rivers, fossil caves and lovely scenery, known as Franconian Switzerland. Ten days or a fortnight can well be spent in rambling over this most lovely district, equally attractive to the fisherman, the geologist, and the lover of scenery. The trout and grayling fishing is really most excellent, and can easily be procured. Nine years ago Musafir went over a part of this district with some relatives, and he has to this day a vivid recollection, not only of the lovely scenery, but of the excellent fishing properties of the numerous clear and rapid rivers which he met with in his travels. There is consolation in the thought that it is a country which will well repay a second visit.

Leaving Nuremberg, Musafir proceeded by rail to Munich. Starting from that place early on the following morning he met Mercator at the railway station, and they travelled in the same train to Salzburg, putting up there at the hotel, visited by Musafir the previous year, known as the *Drei Allirten*, kept by the obliging Mr. Jung. Again were the salient points of this most striking town visited and admired; the two hills, which add so much to its beauty, on either side of the Salza, ascended, our travellers stopping on the summit of the Capuzinerberg till the view it commanded,—that of the castle surmounting the town in the foreground, with the Untersberg, Watzmann, and other glorious mountains behind it, became deeply impressed on their memory. Returning thence to the inn, making on their way the necessary arrangements regarding the exchange of their English gold into Austrian paper, they found that Mr. Jung, true to his reputation, had already procured a guide, who agreed to conduct them as far as the lake called the Mond See, eighteen miles distant, the following morning. Having settled with this needful companion, they asked Mr. Jung how they could spend the evening pleasantly. "Oh," he replied, "why not go to the open air concert;—entrance free, and the best band in Salzburg." Thither accordingly, after dinner, they proceeded. We record the fact merely to show the pleasant, easily amused, orderly, nature of the Austrian people. The two Englishmen entered a large piece of ground enclosed all around, and capable of containing thousands. On a raised platform near the entrance was a magnificent Austrian band. Beyond this the ground was nearly covered with little tables, fitted each to accommodate from two to eight persons, with as many chairs.

At these tables were the population of Salzburg of all grades. Some had before them ices, some coffee, some wine, but the majority beer and cheese. In fact almost all belonged to the artisan class. But there they sat, so quietly, so orderly, and yet listening intently to the music; giving vent to their feelings only in a tremendous *Hock*,\* when some favourite or national air touched a chord in their hearts. Between the performances, they went to their beer, or talked good humouredly with one another. The band, as are most Austrian bands, was magnificent. It was a sight peculiarly Austrian. The people of this nation possess an instinctive love of simple pleasures, and never allow their spirits to carry them into excesses. At Vienna, they almost jostle the Emperor in the gardens of Schönbrunn and on the Prater. There is no attempt to incommode their sovereign by crowding round him and staring at him; but with true politeness they allow him to pass as one of themselves. At Salzburg this audience of artisans conducted themselves with as much order and propriety, and with as true an appreciation of music, as could have the most aristocratic society at a concert in the Hanover Square rooms.

On the following morning the tour commenced. Each traveller was armed with a small bag, containing the wardrobe necessary for a walking expedition,—the nature of which will be hereafter described,—an umbrella, a light overcoat, and a stick or Alpine stock. The bag was of such a size that it might easily have been carried by the traveller in case of necessity. Practically, however, both bags were always carried by the guide, it being a service to which men of that class are accustomed. We have said that an arrangement had been made with one of these men to conduct our travellers as far as the Mond See, eighteen miles distant, the remuneration being fixed at two florins.† Accordingly, on the morning of the 5th, after a good breakfast, they bade adieu to Mr. Jung and started. The road to Thalgaun, twelve miles, is pretty and picturesque, over undulating ground, with no very steep ascents, and no very remarkable scenery. It is here a corn-growing country, and the peasants were engaged in gathering in the harvest. It was a day admirably adapted for that purpose, being bright and sunny, rather hot indeed for pedestrians, but not the less enjoyable. Thalgaun was reached about 1 o'clock, and at a clean little *auberge* in this pretty village, luncheon, consisting of an omelette, the national dish of the poorer Austrians, and in making which they are unsurpassed, was ordered. Whilst this

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\* The Austrian Hurrah.

† An Austrian florin is about the value of a rupee.

was being prepared, the guide made his appearance and protested his inability to walk further. His shoes, he said, had pinched him, and his feet were so blistered that he could not go on. A council of war was at once held, consisting of the two travellers and the obliging hostess. The resignation of the guide was of course accepted, and his claims were audited by the hostess, who took upon herself the appointment of his successor. This having been satisfactorily arranged, justice was done to the excellent luncheon, and the route resumed, under the direction of the new guide, at about 2 o'clock.

The six miles from Thalgau to the Mond See took the travellers over a very lovely country, beautifully wooded, the glorious mountains ever nearer and nearer. As the lake was approached, without however being yet visible, these beauties increased; the tints of the foliage being lovely in their endless variety. At last they came upon the lake itself, nine miles long, with bright clear water, shut in on one side by precipitous rocks, in contrast to which are the prettily wooded banks on the other. Our travellers put up at a little inn called the Krone, situated at the head of the lake, and commanding in the distance a full view of the Schaffberg, the giant of the Salzkammergut. The Krone was a decent little inn, very clean and comfortable and kept by an obliging landlady. The water of the lake had however greater attractions for our travellers, who, after a little rest, sallied forth intent to try its depth. After walking along its banks for about ten minutes they suddenly came upon a bathing establishment, consisting of a building with dressing rooms built out into the lake in deep water for the convenience of swimmers, who were thus able to swim back to their room and dress in comfort. There was an upper storey to these rooms where hot coffee was always ready, and which was used as a lounge. This place was the property of one Peter Taffner, a great character, and who also kept a small inn, more popular evidently than the Krone, for it was quite crowded. It appears that the Mond See is a great resort for the holiday-makers of Salzberg and the neighbourhood. The loveliness of the scenery, the pretty walks in the neighbourhood, and the quiet, combine with the excellent arrangements of Taffner to recommend it to those who are in want of rest or recreation. Taffner himself is the model of an obliging host. He is ever cheerful, ever active, ever intent on carrying out the wishes of others. Nor are his charges unreasonable. He informed one of our friends that his terms for board and lodging, including the use of the swimming rooms and boats, were two florins a day, and that he would take two people for three florins. His little inn seemed clean and

comfortable, and, certainly, in so far as the attention of the landlord could conduce to comfort, it would have been impossible to be better off anywhere.

That evening and early the next morning our travellers enjoyed the deep limpid waters of the Mond See. After the second operation they returned to the Krone, and settling with the landlady, started off in a boat, intending to traverse three-fourths of the length of the lake to a little village called Schärfling, whence they would ascend the Schafberg. This mountain, though only about 5,800 feet above the level of the sea, is a great favourite with the Austrians. The ascent is steep, with scarcely a single level or gradual incline to break it. But once on the summit it commands a view, which, in beauty and extent, is not inferior to that enjoyed from the summit of the Rigi. Thence may be seen all the mountains and lakes of the Salzkammergut and Upper Austria, as far as the forests of Bohemia, on the one side; on the other, the snow-clad Alps of Styria, the glorious Watzmann and Hohe Göll, and even, sometimes, the snowy summit of the gigantic Gross Glockner. The numberless lakes to be seen in every direction add greatly to the beauty of the panorama, and give to the foreground a life and reality which would otherwise be wanting. The number of lakes visible on a clear day surpasses even the number of those to be seen from the Rigi. On the summit is a little inn, just finished at the time of which we are writing, containing eight bed-rooms and a large *salle-à-manger*. To secure the possession of one of those bed-rooms, it was necessary to be armed with a ticket obtainable only at St. Wolfgang, a village on the high road on the side of the mountain opposite to that on which our travellers were to attempt it. They, therefore, were compelled to trust, in this respect, to chance.

The two friends had a pull of about an hour and a half in the lake before they reached Schärfling. Taking a hasty meal at the little *hospelry* of that place, and depositing the bulk of their traps with the kind landlady, they started off without a guide,—for the road was not difficult to find,—to make the ascent. A walk of thirty-five minutes took them to the village of Hüttenstein. After passing this, the road makes a turn to the left, and the ascent fairly begins. It is steep, and, as we said, the steepness is continuous. Nevertheless it commands lovely views in every direction, long before the summit is reached, and it was inspiring to know that the view from that point was the finest of all. In three hours and a half, after a very leisurely walk, that point was reached. No other travellers had arrived. As our friends gained the summit and entered the little inn they

were met by a smiling waiter, rubbing his hands, and professing great anxiety to please. He at once gave them a room on condition that they were to evacuate it in case any ticket-bearing travellers should arrive; even in that event he promised them each a mattress in the *salle-à-manger*. It soon became apparent that it would be necessary to have resource to this expedient, for travellers came pouring in in great numbers, till not only were the rooms occupied, but it seemed probable that it would be difficult for the *salle*, large as it was, to accommodate all. The new travellers, as they came up, were however all met by the same smiling waiter, in the same smiling manner, and all were equally assured of "a mattress at all events,"—the waiter, as he said this, throwing an impressiveness into his manner which it was quite delightful to witness. Our friends, indeed, as they sat waiting for their dinner, could not refrain from taking a great interest in his generalship, and in wondering how he would manœuvre so as not "to break the word of promise to the hope." The *salle* was provided with separate tables, large and small, according to the Austrian fashion, and at these each person dined with his own party. At last all the travellers seemed to have arrived, dinner was served to them in the order in which they had come up, none but the smiling waiter being in attendance. It was wonderful to watch how well he understood his work, how cleverly he waited upon several tables at the same time, never making a mistake. By 9 o'clock his task was apparently over, all the dinners had been eaten, coffee had been served, cigars had been lighted, and all began to think of their mattresses. Our friends, anxious to admit some little fresh air into a room in which so many had dined and were smoking, and upon whose floor some twenty would have to sleep, had even contrived to open, unseen by the multitude, a window in their vicinity. Suddenly, however, just after the waiter had announced his intention of bringing in the mattresses, the door opened, and a cantankerous-looking man, accompanied by three sons, one about eighteen, the other two about fifteen and twelve respectively, entered the room. The man, who was very hot, stood at once in the centre, wiping his face with his handkerchief, and took a good survey about him. All at once his eye fell upon the open window. He immediately preferred a request that it might be shut. This was of course done. He then sat down with his party at the table, and, on the waiter appearing, ordered some wine, saying he could not eat. A pint bottle of light wine having been brought, he proceeded to divide half of it in exact mathematical proportions, according to their size

if not according to their age, amongst the three sons, each receiving from about one to three table-spoonsful. The division made did not, however, appear very agreeable to the second son, for, in a most unmistakeable manner, he asked for more. This demand having been refused, a controversy ensued between father and son, and continued for about twenty minutes, to the great amusement of the other strangers present, who, having nothing else to do, could only look on. The boy all this time continued deaf to his father's arguments and to insist upon his rights, whereupon the father, to settle the matter, divided the remainder of the wine between himself and the two other boys, to the absolute exclusion of the second, who, thereupon, abandoned himself to tears. It was past 10 o'clock before this matter was settled, and then all began fondly to hope that the mattresses might be brought in. But just as the smiling waiter had arrived apparently at the same conclusion, he was summoned by the cantankerous man and ordered to bring dinner. There was no help for the outsiders, and indeed to Musafir and his friend it was no deprivation, for they derived intense amusement from watching the manners of their neighbours,—all intent on enjoyment; they took advantage, moreover, of the cantankerous man being engaged in his cutlets to re-open the window, and thus to give some relief to the atmosphere of the room. Meanwhile the waiter began to bring in the mattresses. The first of these, which had been placed in a corner, was instantly appropriated by a man with a comical face, a flowing robe and a high-crowned cap, which caused him to bear a striking resemblance to a high priest. This manœuvre of his excited the admiration of his friends, who proceeded to follow his example, amid the general good humour of all. At last all the mattresses had been brought in, twenty-two in number, the cantankerous man had finished his coffee, and all prepared to turn in. It was thought, after a short interval, that every one had turned in, and one of the Austrians was preparing to put out the light, when the voice of the eldest son of the cantankerous man was heard begging him to delay that operation, as his father had gone into the kitchen to dry his clothes. He did not come back for half an hour, and his first act when he did return was to reclose the window, the opening of which had till then happily remained undiscovered. He then proceeded to undress, and arraying himself in an improvised night-cap, which gave him a most fantastic appearance, at length put out the light. The atmosphere of the room was however stifling. Upwards of thirty people had dined and smoked in it; now twenty-two were to sleep in it, and every door and window were firmly closed. It appeared

to both Musafir and Mercator that such a state of things was scarcely to be borne. Yet as it was impossible to go boldly against public opinion, which had apparently endorsed the act of the cantankerous man, it was determined to effect by subtlety that which could in no other manner be accomplished. Waiting then till all were apparently asleep, Musafir crawled up to one of the windows, and tried to open it: but it was stuck too fast. With a second one he was more successful, and for ten minutes they revelled in the enjoyment of pure oxygen. But only for ten minutes. At the expiration of that time the voice of the cantankerous man was again heard, begging that the window might be shut. Thenceforth there was no help for it, but in sleep.

At 4 o'clock every one rose to watch the effect of the sunrise on the panorama of the distant mountains. A glorious wash in the cold water outside the house somewhat compensated our two friends for the atmosphere inside the room, and they ascended the little elevation above the inn with calmer minds and refreshed bodies. Soon the glorious red disk appeared, illuminating the horizon, tinting the distant snow with his rosy colour, shewing a long succession, first of the far-off mountains, then of the varie-coloured hills nearer, than of the clear bright lakes underneath them. To distant Bohemia, to hill-bound Bavaria, to the waters of the Danube on the one side, and to the glaciers of the Gross Glockner on the other, the eye penetrated. Long did they gaze at this glorious picture of nature,—far more splendid, infinitely more glorious and more seductive, than the artificial panoramas, which, with the glare of gas-lamps, evoke the astonishment and admiration of the untraveller denizens of towns!

An hour later the two travellers started to descend, doing the journey to Schärfling at a great pace. Under the trees of the garden attached to the little hostelry of that place they had a capital breakfast, then, repossessing themselves of their traps, they entered a narrow canoe-shaped boat and paddled to Sager-Mühle, at the extreme end of the lake, the furthest point from that whence they had set out the preceding day. At Sager-Mühle they landed, and shouldering their traps, walked about two miles to Unter-Ach, a little village on the Atter See, the largest lake in the northern part of the Salzkammergut,—it being upwards of fifteen miles in length. On the banks of the lake, at Unter-Ach is a clean and comfortable inn, with a sort of pavilion built out into the water, commanding a most lovely view. The beer at Unter-Ach is especially to be commended. The scenery at the lower end of the lake is

very pretty indeed, being well wooded and hilly, but the upper part is somewhat bare. A lovely river runs out of it into the Mond See. Our travellers stayed here only long enough to make arrangements for a boat to take them to Steinbach, whence it was their intention to walk across the mountains to the two little gems, the lakes of Langbath, visited by Musafir and his wife the previous year. The boat was soon ready, but it required an hour's hard pulling to reach Steinbach, a rather straggling village on the opposite bank of the lake, and much higher up it. As there was no road thence to Langbath, but only a mountain path, amongst many others leading elsewhere, it was absolutely necessary to engage a guide to show the way. This was, strange to say, a work of some difficulty. It was a fête day, and the villagers were enjoying themselves at the lake and apparently did not much care to go so far out of their way. However the offer of two florins and a half with a meal at the end of it induced a young fellow to volunteer for the service, and off they started. The distance to the little inn near the first lake was but twelve or thirteen miles, but it was the most trying walk our travellers attempted during their tour. It was over a succession of high mountain ridges, very beautiful and picturesque, but steep and tiring. No sooner had one height been reached, and the travellers had looked eagerly forward in the hope of catching a view of the beautiful lake, than another ascent appeared before them. The pace too at which they had descended the Schafberg told upon them, and when they reached the little inn at  $\frac{1}{2}$  past 8 in the evening, they both felt dead beat. It was refreshing under such circumstances to receive the warm greetings of the worthy old couple who kept the inn. "It's the Herr Capitain," called out the Krähmayer as they approached, holding out both his hands to welcome his visitors. Instantly there appeared, in his wake, the old lady with her honest kind face betokening the warmest interest. She was followed by the two servant girls, smiling their welcome. Questions were asked of all that had happened in the interval, mingled with expressions of pleasure at the renewal of the acquaintance. It transpired in the course of conversation that the little inn was full. The worthy couple, however, insisted upon putting Musafir and his friend into their own room, saying they could easily manage elsewhere for the night. Meanwhile the hostess gave orders for the preparation of a repast in her best style, of which the speckled trout was to form a necessary portion. This was done ample justice to, and the rest of the evening was spent in pleasantly chatting with these honest, warm-hearted Austrians.



Early in the morning, after a plunge in the glorious little basin formed by the river just below the inn, our two friends started to spend the forenoon at the two lakes, the peculiar beauties of which we have already described.\* We will only refer to them now to remark that notwithstanding the glowing language in which Musafir had painted them to his companion, Mercator found the reality, especially with respect to the second lake, far surpass the conceptions he had formed. As to Musafir, he thought it then, and he thinks it still, one of the wonders of Europe. Had it been situated in Switzerland it would long before this have been thronged by crowds of tourists; in the course of a few years its simple beauty would have been spoilt by the erection of artificial grottoes, and vulgar refreshment-rooms, but being in unsophisticated Austria, off the line of rail, and not on the high road, unmarked, or scarcely marked, by the English guide-books, it has happily hitherto escaped defilement of that sort, and still constitutes, in its simple majesty, a place in which nature reigns supreme and triumphant, far beyond the puny efforts of art.

That same afternoon our two friends bade farewell to their kind hosts, after many promises—alas! not yet fulfilled—of a future visit, and started in an einspänner for the little village of Traunkirchen on the Gmunen lake. An einspänner is one of the best sort of carriages for mountain travelling. It is a four wheeled chaise, with a hood, a low seat in front, and a place behind for the luggage. In the seat over which is the hood it can accommodate two people, whilst in front there is a place for the driver, and, if need be, for a fourth person beside him. It is fitted up with arrangements for keeping out rain, and is, altogether, a most comfortable sort of conveyance. In one of these our two travellers drove to Traunkirchen, a distance of only seven miles, and, arriving there, put up at the comfortable little inn facing the giant Traunstein, a rocky mountain rising straight up from the surface of the water to a height of nearly 5,500 feet, and giving by its presence an air of stately grandeur to that part of the lake, in marked and striking contrast to the smiling verdure and green foregrounds, studded with villas, on the other side. The landlord of this little inn did not at all impress our travellers at first sight. He was short and stout, with a swarthy complexion and gloomy air, giving one the idea of a man to whom a smile was unknown, and in whose eyes a hearty laugh was the surest indication of moral turpitude. But a few hours' acquaintance with him was sufficient to dissipate these illusions.

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\* *Calcutta Review*, November, 1866.

It soon appeared that he was a very good little fellow, rather matter of fact indeed, but quite a character in his way. After our friends had finished dinner they invited him, according to the homely Austrian custom, to come and sit at their table, and partake of some wine. It soon appeared that not even an innkeeper is proof against the liquid that "maketh glad the heart of man," for in a few minutes he was engaged in unfolding the principal events of his life. The most important of these had reference to his service in the Austrian army during a period of six years, in the course of which had been fought the battles of Magenta and Solferino, at both of which he "assisted." He was then a corporal, and he complained bitterly,—he felt it, he said, even then,—of having been kept for three days and three nights without food of any kind. In relating this sad event, his face assumed an expression of agony, which, contrasted with his well-rounded form, was, to our travellers, inexpressibly comic. "But," suggested Mercator, mildly, "it does not appear to have made you thin." "Thin," shrieked the landlord, with an awful grimace, "I was as thin as a lath, "you could have pulled me through a ring; I was just like that"—saying this, he drew in his face hideously. It was evident that he still felt the pangs of those terrible three days. He talked freely of the Austrian Generals, and of all but Benedek disparagingly. But his greatest fury was reserved for the mention of the name of Giulay. "The scoundrel," he said, "*hole ihn der Teufel*,"—and he draws full pay to this day!" Many anecdotes of his military life did he relate, almost all personal to himself, and told with an air of gravity, which, considering that the ludicrous predominated in the stories, was most comical.

We pass over the walk to the Traunfalls, the visit to Gmunden, the drive to Ischl, interesting as they were, because in a previous number\* we have described the impressions made by these places on the mind of Musafir. On reaching Ischl the travellers drove to the Kaiserinn Elisabeth, but, it was the height of the season, and that hotel, large as it was, was crowded to the topmost garret. But this did not much signify. The obliging landlord, Herr Endmoser, recommended them to an adjoining hotel, and engaged to procure for them, for next morning, the best guide in the country to conduct them over the mountains to the Grundl-See.

Very early next morning they started,—not indeed by the carriage road followed by Musafir and his wife the previous year,—

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\* November, 1866.

but *via* Rettenbach over the Sandling Alp,—about 5,000 feet high,—one of the most charming walks possible to conceive. There was but a path-way, but it led to most lovely places: some of the gorges being magnificent. The ascent of the Sandling was steep, but once surmounted, the travellers came upon a large plateau of lovely green turf, covered with wild strawberries, at first level, but afterwards descending with an increasing slope towards Alt-Aussee. From this summit were visible, apparently quite close, the shining Dachstein with his field of snow, the stern stony Loser, causing the Dachstein to shine still more brightly from the contrast, below, and between them and the travellers, a smiling green foreground. Not long was this view vouchsafed them. The clouds, then rising from the horizon, soon over-spread the heavens, and scarcely had Alt-Aussee been reached, four hours and a half after leaving Ischl, than the rain poured down in torrents. The summer-house, jutting out into the lake, of the little inn at Alt-Aussee was however admirably adapted to lunch in on a wet day, and the travellers fondly hoped that before that meal had been consumed, the rain would hold up, and the walk across the hills to the Grundl-See resumed. As however the rain still continued to pour, it became necessary to give up the walk across the hills and to proceed to the Grundl-See by the road, through Aussee. An hour and a half took our friends to the lake. There, as at Langbath, the greetings were warm and friendly. The hostess was, as usual, demonstrative, but many changes had occurred in the household. Elise, the under-cook, had been allowed to accept the situation of head-cook in a neighbouring inn; whilst Fanny, the Kellnerinn, had left to live with her mother, who was infirm. The old Kanzler, however, was there, as anxious as ever to go about with the “Herrschaft.” The lake itself, notwithstanding the clouded state of the sky, was as glorious as ever, still soft, beautiful, and bewitching, well deserving the title of the Pride of Styria. Other lakes may indeed surpass this in some one particular point, but in the combination of beauties of all sorts the Grundl-See remains unrivalled. It is enchanting in all weathers, and though the day on which our travellers arrived was peculiarly unfavorable, Mercator, who saw it for the first time, was struck with its wonderful loveliness, as well as with the magic effect produced by the quickly passing clouds on the mountains, differing so widely from one another, by which it was surrounded.

At 6 o'clock next morning,—the rain having ceased though the clouds were still hanging about,—our travellers walked to

the inn, about one-third of the way down the lake, at which Elise was cook, and after partaking of a breakfast prepared by her, were picked up by the Kanzler in a boat, and piloted to the end of the lake. Thence they proceeded to the Töplitz and Kammer Sees. Notwithstanding the weather, the lakes looked most glorious, and it was with regret that the two friends found it impossible to stay there another day. Had they been sure of fine weather it might have been attempted, but the prophets continued to prophesy rain. It began to pour indeed on their return to the inn, and continued so with few intermissions the entire afternoon. Nevertheless, after an early dinner, they tore themselves away and walked twelve miles to Obertraun, a little village on the lake of Hallstadt, the Kanzler leading the way. In fine weather this is a glorious walk; even under the actual circumstances it was enjoyable; for though the rain came down in heavy showers, and the clouds rested on the tops of the mountains, there were occasional breaks, affording lovely peeps, and occasionally disclosing very grand scenery. From Obertraun a boat conveyed them to the little inn, the Grüner Baum, at Hallstadt.

We will not accompany our travellers from Hallstadt to Golling,—they having followed the same route as that pursued by the Musafirs the previous year,—but this time under the disadvantage of heavy rain, all the low mountains even being covered with snow to within a few hundred feet of the road. At Golling however it promised better things, and our travellers determined, therefore, after seeing the waterfall, to cross the Rossfeld Alp, about 5,000 feet high, instead of going round as the Musafirs had done, by Hallein. The other, and loftier, mountain route, that over the Königsberg, was reported by the guides to be impracticable on account of the fresh snow having obliterated the path-way. The Rossfeld Alp was accordingly tried. It was a tough walk, some of the ascents being very steep,—but the views from the top were magnificent. Here the travellers were walking, as it were, under the lee of the Hohe Göll, upwards of 8,000 feet high, covered with snow, and producing on its peaks that chaste mountain-flower known as the “Edelweiss.” The Untersberg too, on the other side of the valley, looked grand with his cap of snow. The effect produced by the appearance, ever and anon, of the sun, shining brilliantly, and driving away the clouds from the snow, was most enchanting. On the top of the Alp, near the boundary between Austria and Bavaria, our travellers came upon an Almhut, clean and tempting, the shelves of its rooms laden with milk-pans, and the whole presided over by a blue-eyed, fair-haired, maiden, as kind and courteous as

she was pretty. Our travellers rested here to partake of a bowl of milk, then, pushing on, they reached Berchtesgaden six hours after having left Golling. We ought to have stated that the view of this town, during the descent from the Alp, is strikingly picturesque, situated as it is in a lovely undulating valley, a clear trout stream running underneath it, and the Watzmann and Untersberg displaying their glories on the back ground.

Two days were spent in this neighbourhood in inspecting the beauties of the König's See, which we have described in a previous number. During the whole of this time the weather was very unfavorable, the clouds hanging very low, and the rain coming down with but little intermission. The wondrous beauties of the König's See defy, however, the inclemencies of the weather. Indeed it is questionable whether the succession of light clouds passing over the mountains, with an occasional peep of sunshine, does not produce a grander effect than the monotony of a clear blue sky, lovely as that is.

In the afternoon the rain came down in torrents, and the weather seemed so unsettled that it was seriously debated whether it would not be more advisable to drive to Salzberg, and take thence the rail to Innsbrück rather than to proceed to Wildbad-Gastein and thence over the mountains to Windisch-Matrey and the capital of the Tyrol. The two travellers left Berchtesgaden in an einspänner before this knotty point had been settled. As they approached the turn of the road leading to Hallein it became necessary to make a decision. In vain was it to look towards the sky. Nought in that direction was visible but a mass of vapour which, as it neared the earth, seemed to melt into rain. The driver, when appealed to for his opinion, declared it would go on raining for a month. Most dismal seemed the prospects. At length the turn was reached and the driver asked for orders. Without consulting one another both travellers arrived at that moment at one and the same conclusion. They resolved to take the chances of the weather and to hope for better times. The order was accordingly given for Hallein.

The first thing on arriving there was to take places in the mail-coach for Wildbad Gastein. The stage-coaches on the high roads in Austria are most comfortable conveyances, quite as much so as a private carriage. There is, moreover, this advantage connected with them; that, if a traveller take a place in the coach over night, and the coach, on arrival, happen to be full, the postmaster is bound to furnish a separate carriage for the individual. On this occasion there was plenty of room available, and our travellers started early on the following

morning. They drove through Golling, Pass Lueg,—one of the grandest and most magnificent passes in Europe, and which a few hundred men could hold against an army,—through Werfen, Lend,—after leaving which is a magnificent gorge, Dorf Gastein, and Hof Gastein, arriving at the late hour of 9 at Wildbad Gastein. There they put up at the Hirsch, there being no room at the crack hotel, Straubinger's.

Gastein is a lovely place, situated in a basin from all sides of which rise the lofty green mountains. It abounds in cataracts and waterfalls, and from it the most enjoyable excursions may be made. Of these the principal are Böckstein, three, and Nassfeld, seven, miles distant. From this a splendid view is to be obtained of the giant of the Noric Alps, the Gross Glockner, 12,369 feet above the sea, and its lovely glaciers. In fact at Nassfeld the traveller stands, as it were, within the precincts of that noble mountain. The still falling rain took away from our travellers the hope they had previously entertained of crossing the glaciers to Heiligenblut, but in the afternoon the clouds dispersed and the sun appeared in all his glory. It seemed even possible that the journey might be attempted, and an application was accordingly made to the guide who possessed the greatest reputation in the place, and who rejoiced in the name of Haas. This man however declared that the attempt to cross the pass after the fresh snow that had fallen would be most dangerous, that the tracks had all been obliterated, and that he would not make the venture for the world. On leaving him, somewhat crestfallen, our travellers met another guide, named Freyberger. This man gave an opinion exactly contrary to that of Haas. He declared that there was no difficulty in the trip, and that the fallen snow made it only the easier. The German guide-books, which were available, appeared rather to strengthen the opinion offered by Haas; nevertheless, Freyberger seemed so confident, he was so ready to risk himself, and our travellers were so anxious to go, that they were most unwilling to give him up lightly. In this extremity they determined to ask the opinion of the oldest inhabitant of the place, Mr. Straubinger, the owner of Straubinger's hotel, and whose family has flourished in Wildbad Gastein for three centuries, as to the relative merits of the two guides. If Mr. Straubinger should state that Freyberger was as much to be depended upon as Haas, then it was determined to follow him and start on the expedition.

Though our travellers were not staying in his hotel, Mr. Straubinger met them with truly Austrian courtesy, listened patiently to their question regarding the merits of the two guides, and then said very decidedly that Haas was the better

man of the two, and, in all matters referring to the mountains, was the more implicitly to be relied upon. He then, in reply to a question, stated that in such weather, he considered the proposed trip one of very doubtful safety. It would have been hazardous to act against such an opinion; most reluctantly, therefore, the expedition was given up.

Perhaps, at the time, there was no alternative; for our travellers were personally unacquainted with the mountain, and the weight of evidence was against them. Nevertheless, they both regretted their decision, and they had afterwards collateral evidence that the attempt might have been safely made. Haas, it appeared, had almost given up the duties of a guide, and had taken to trading, whilst Freyberger lived by excursions such as these.

The resolve, however, having been taken, they returned next day to Lend, determined to proceed thence, along the valley of the Pinzgau, to Innsbrück. This valley as far as Mittersill, is the most uninteresting valley in the Tyrol, being low, marshy, and commanding no good view, notwithstanding that from many points in it most lovely excursions may be made. Our travellers too made a great mistake, in that, on arriving at Mittersill, they did not take the lower road to Kriml, Gerlos, and Zell in Zillerthal, but followed the upper and far less interesting route to Kitzbühel. Both led equally to Innsbrück, but it was a pity to miss the splendid gorges and magnificent cataract of Kriml, finer than any in Switzerland, the snowy valleys of Gerlos, and the domestic gaiety of the inhabitants of Zell. The fact was that the travellers had fully counted on being able to cross to the southern side of the Alps, and had neglected to study the route on the northern side. It was a great mistake, but it has at all events marked Kriml and its neighbourhood as places to be visited on the earliest opportunity.

We pass over this uninteresting valley, and take our travellers to Innsbrück. How is it possible to describe this wonderful city, with the mountains, 9,000 feet high, so overhanging the town, that, it is said, the wolves peep over the summit to see what is passing in the streets;—the golden-roofed house,—the wonderful churches, with their imperial and royal statues, among which is one of Arthur, King of England,—its interesting associations? From Schloss Ambrass, a castle, about two miles away from the town, the view of it was magnificent, picturesque and striking beyond description. Perhaps indeed the town itself does not look altogether so imposing as Salzburg from the Capuzinerberg, but it is not in itself less interesting, for here the place is peopled in imagination by the sturdy

sons of liberty who knew how to die rather than submit to the yoke of the foreigner.\* Such a place it is impossible to describe, nor is description necessary. It is a city which must be seen to be appreciated, which deserves to be visited over and over again. On each occasion of his return the traveller will be more and more struck with the natural wonders which make Innsbrück so loveable. We may add that there are capital inns and shops, and that it is always feasible, as it is indeed in every large town in Austria, to change notes, both circular and Austrian, for gold, and *vice versa*.

The weather became again threatening as the travellers left Innsbrück, proceeding by coach to Landeck, whence it was their intention, in conformity with the original plan, to walk through the Finstermünz Pass, and over the Stelvio, into Italy. From Landeck, a return carriage took them to Ried, whence they walked,—nine miles,—to Pfunds—the valley becoming more and more picturesque as they went on. At Pfunds they put up at a little inn called the ‘Traube,’ the type of a Tyrolese inn, so clean were the rooms, so kind and attentive the hostess. For their dinner here, including a bottle of Tyrolese wine, their bedrooms, and their breakfast, the travellers were charged the extremely moderate sum of three shillings and eight pence. Yet nothing could have been better than their fare!

Next day they were to walk through the famous Finstermünz Pass, nearly 3,800 feet above the level of the sea. It is a gradual ascent from Pfunds, with very grand scenery, second only, it is said, to the *Via Mala*. The pass was formed by the river Inn, which by forcing its way from the Engadin valley, made this cleft in the mountains. It constitutes now a splendid defensive position, and has been fortified by the Austrians in such a manner as to make it almost impregnable. After leaving the little village of Nanders, beyond Finstermünz, the traveller, if he look back, enjoys a most splendid view of the pass, rising from the narrow cleft, through which the Inn flows rapidly, to a point, the height of which that very narrowness tends, in appearance, to increase. About an hour after leaving Nanders the road rather descends, and half an hour later the village of Reschen is reached. Here the scene is entirely altered. The green foliage of the pass entirely disappears; and the traveller approaches gradually an undulating ground, called the common, or pasture land, of Mals, famous as the spot on which the Swiss finally defeated the Austrians in 1499, and achieved their independence. Beyond

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\* Travellers who go to Innsbrück should take with them Baroness Tautphœus's latest novel, “At Odds”.



this again, soaring far above every other mountain, is the snow-covered Ortler, nearly 13,000 feet above the sea, every peak capped with snow, and shining with glaciers innumerable. This is now the traveller's land mark, for under the lee of the Ortler he must pass over the Stelvio!

It is difficult to describe, but many of our readers have doubtless experienced, the wonderful beauties that open out to a traveller as he approaches a gigantic snow-mountain; now the haze, caused by distance, imperceptibly clears off, and beauty after beauty is disclosed; now the outline, at first perhaps dim, becomes sharp and vigorous; the snow, from being a vague mass of white, shines more brightly than polished ivory; now, as its base is approached, the height of the mountain seems more and more overwhelming. What magic is there in the crowded theatres or the densely packed ball-rooms equal to this? Every step forward is a delight of the purest character. On that spot have these mountains remained fast since the creation of the world! Here they have welcomed the sun, the rain, and the hail;—on their heads the lightning has darted, innocuously, his forked javelin; the rise and fall of peoples, of nations, of kingdoms, of generations, have taken place around them, and yet they are unaltered; the mountain which the patriot Swiss invoked in 1499, in their decisive struggle with the mailed cavalry of Austria, is still, nearly four hundred years later, the great object of interest to the peaceful traveller. It remains the very same, whilst all around changes and is changing. Or, if there be any difference, it is this, that these mountains, believed by our forefathers to be sacred from the foot of the stranger, have yielded in this nineteenth century to the energy and perseverance of English, of Austrian, and of Swiss mountaineers, and that there is scarcely one of them that does not bear upon its summit the symbol of the undaunted nature of the race that perisheth!

At Mals,\* which our travellers reached that evening, after a walk of twenty-one miles, there is a diverging of two roads, the one leading by Prad to Trafoi, a small village whence the ascent of the Ortler is generally made, thence over the Stelvio into Italy, the other *via* Naturns to Meran, the heart of the Tyrol. The former was the route of our travellers. But, as it was a matter of some importance with them to reach Bormio

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\* In this village is a most extraordinary image of our Saviour, life-size, attached to a wall. Fixed in the side of this image is a hollow tube, through which the water, pumped up from the well, flows for the supply of the villagers.

that evening they drove to Trafoi, breakfasted there at a clean little inn, and then commenced the ascent. The road over the Stelvio was formerly considered one of the wonders of the engineering art, but since the war of 1859, which severed Lombardy from Austria, its repairs had been neglected, and at the time of our travellers' visit it was gradually falling into decay. For pedestrians however it was still and will ever be traversable. From Trafoi to the summit is one of the loveliest walks possible to imagine. Under the lee, as we have said, of the Ortler, every turn discovers some new beauty. The Ortler itself is quite close to the path traversed, and the snow flakes were clearly visible. In three hours, the summit, 9,000 feet above the sea, was reached. Here the snow was under them and all about them; the highest point of the Ortler had been left behind; and before them was Italy! It was an exhilarating feeling. To be thus on the summit of the highest pass in Europe, the air so fresh and bracing, and below, the classic land, rich in a thousand recollections, and whose people had, after years of oppression, roused themselves to a sense of the value of the natural birthright of the human race. For all practical purposes, Italy, at least that mountainous part of it visited by our travellers, is still far behind Austria. It is curious that within the distance of a few miles this difference should be so strongly marked. But so it is. Descending the mountain, our friends reached, in half an hour, the little inn of Santa Maria, where they had resolved to lunch. It became at once perceptible that they were in Italy. A dirty table-cloth instead of the clean linen always offered even in the humblest villages of Austria; greasy cookery; bad attendance; and exorbitant charges, made it clear to them that the frontier had been passed. To Musafir the evidence of the fact was equally brought home in another manner. Hitherto, though Mercator could speak German, Musafir had acted as spokesman, and had managed the trip; alike in Austria, in the Pinzgau, and in the Tyrol, he had hailed the opportunity of airing his German. But in crossing the frontier his occupation was gone; he did not understand a word of Italian; all the arrangements were therefore, for the two days they were in Italy, confided to Mercator, who possessed a conversational knowledge of that language. They could not indeed have been made over to better hands; but the feeling of helplessness which ignorance of the language of a country always induces came home to Musafir with double force after the pleasantness of his German experiences, and he inwardly registered a vow to make himself acquainted with Italian before again venturing on the soil

of Italy. Nothing is more true than that a knowledge of the language of the country quadruples the pleasures of foreign travel.

The descent from Santa Maria to Bormio being uninteresting, and it being somewhat late in the day, our travellers hired an einspänner to take them there, Mercator chatting all the time with the driver in a most provoking manner. The mountain scenery was wild, rugged, and solitary. At Bormio however the scene changes. Near this place is a large bathing establishment, consisting of a grand hotel with hot water baths attached to it. These baths are supplied from saline sulphureous springs, the water of which has a green tint. Some of them are large enough to swim in. Such temptations were not to be resisted, and though a doubt may exist as to whether a plunge into a saline sulphureous bath is, in itself, a thing to be relished, there can be none as to its powers of refreshing after a long day's work. This hotel at Bormio is infinitely preferable to the inns in the town, and is a most luxurious establishment. The country around is very pretty.

Our travellers started the next day for Tirano in an einspänner. After continuing the descent for some time, they came gradually into a valley, very fertile and well populated, and which realised the preconceived ideas of sunny Italy. It was extremely bright and pretty, the hill sides being covered with vines, which were cultivated with studious care by the strong limbed and picturesquely clad population. Soon was reached the valley of the Adda. The road along the banks of this river was however in a perilous condition in consequence of the recent floods, and in one part had entirely been washed away. But by the aid of the peasantry the carriage was taken over the dilapidated spot without much delay. Thence to Tirano the road lay through the same bright sunny scenery. Our travellers passed through that rather deserted-looking town, and went on a quarter of a mile further to Madonna-di-Tirano, a little village at the foot of the pass leading to Puschiamo,—the drive from Bormio having taken four hours and a half. At this village there is a fine church, famous for its wood-carving. The little inn too is tolerable, though inferior to those on the Austrian side. In the square in front of it, the Bersaglieri had just turned out for bayonet exercise. Very smart fellows they looked, though by no means equal, in Musafir's opinion, to that splendid body the Chasseurs de Vincennes, or to the Jäger regiments of the Austrians. After luncheon the route was resumed for Puschiamo. This was for

five miles a glorious walk up a magnificent gorge. About one mile from Madonna the Swiss frontier was crossed. Soon after it came down to pour in torrents. This rather spoiled the pleasure of the afternoon's excursion and indeed was the cause of considerable inconvenience to Musafir, for having walked to the top of the gorge in the rain, and become completely soaked through, he incautiously seated himself in his wet clothes in an einspänner, and drove for three miles to Puschiamo, thereby catching a cold so severe as to take from him the power of walking the next day. It was indeed a caution to travellers. At the top of the gorge, the lovely lake of Puschiamo was reached. Here is a grand hotel with baths, apparently most comfortable. The situation is beautiful, and the hotel would make capital head quarters for a month or two in the summer. The lake is full of trout, and surrounded by prettily wooded hills, whilst the glorious range of the Bernina, with its unequalled glaciers, towers up a few miles beyond. To be able to start, so as to cross that range on the morrow our travellers did not remain at the lake, but pushed on three miles further to the town of Puschiamo. Here their Italian driver, who had imbibed so freely as not to be master of his actions, and who relieved himself by shouting alternately in favour of Victor Emanuel and of Garibaldi, took them to a den, which however looked so uninviting, that, as he obstinately refused to move, they left him, and shouldering their traps, went themselves in search of a more decent-looking hostelry. They soon found one, the hotel Albricci, kept by the most obliging people, and in cleanliness and comfort vying with the inns of Austria. The daughter of the house, who seemed to manage everything, was extremely pretty, and had the most charming manners. She spoke Italian so prettily, that the drawback of not being able to talk or understand that language was more than ever deplored. Nothing could exceed the kindness and attention with which the wants of our travellers were attended to at this little inn; nor were such services unduly charged for,—the bill being moderate in the extreme. The little town is prettily situated, being at the foot, as it were, of the Bernina Pass. It would not, however, be ordinarily much frequented by travellers, as these would probably prefer the hotel on the lake of Puschiamo on the one side, or Pontresina, Samaden, or St. Moritz, on the other.

Next morning our travellers started to cross the Bernina Pass to Samaden. Musafir being quite unable to walk from the cold that had attacked him, it was necessary to charter an einspänner. The morning was dull, and the clouds were very low; still hopes were entertained of being able to cross

the pass before the rain should actually fall. For two-thirds of the way it held up, though the heavy clouds quite obscured the view. Suddenly, however, just as they were turning a corner, the storm, preceded by a terrible howl, burst upon them. Such a storm as it was! Wind in all its fury, succeeded by heavy rain: the rain in its turn giving way to snow; and the snow again to rain. The carriage was then at a height of about 4,000 feet, on a narrow ledge of a road, with precipices underneath. The wind blew in such gusts that it appeared more than once as though it would blow the little vehicle off its balance. Fortunately, however, a place of refuge was at hand. A little inn, called La Rosa, was within a few hundred feet of them, and this was, though with difficulty, reached. Meanwhile the thunder was pealing all around them, and the forked lightning was beyond description vivid. Though but a short time exposed to the violence of the storm, the hail had collected in masses on the apron of the carriage, and the horse and driver had been most thoroughly drenched. The delight of a little inn, humble as this was, with a cheering fire and warm soup, cannot be described. The cold was even then great. A few minutes later there arrived for the same shelter a lady and gentleman coming from the opposite direction. They described the cold on the top of the pass as being absolutely intense, not to be encountered driving without many more wraps than those which our travellers possessed. There seemed no help for it, however. But when, three hours later, the storm abated and the other travellers went down the hill, the kind landlord lent to our friends a blanket and a great coat on the promise that they should be returned the next day from Samaden. They then started, the sun coming out immediately afterwards, and disclosing a panorama unrivalled in beauty of that peculiar kind. The air was clear and cold, the sky blue, but all around them was snow. The peaks of the Bernina are particularly striking in their form, and their snowy covering shone brilliantly in the bright sun; there was a wildness about the scene which was most captivating, and it was difficult to resist the fanciful impression that the wolves of the nursery story were hovering in the distance ready to follow the track of the wearied horse. The cold was terrific. Never had either of the travellers felt anything approaching to it. The wraps lent by the host, though intended for winter use, could not keep it out. It pierced to the very bones.

At length the summit was reached. Here are two little lakes, each with a character of its own. One is formed of glacier water, a yellowish brown in color; the other is bright

blue. The contrast of this latter with the white snow was very beautiful. But who shall describe the cold? Here the full force of the wind, sweeping over the Monte Rosso, or coming up from the Pontresina valley, was upon them. It was scarcely to be borne. Still there was no choice but to go on. At last, three quarters of an hour after leaving the height, a little inn, the Osteria Bernina, came in view. A halt was made; our travellers alighted, though, especially Musafir, with difficulty. A glass of hot brandy and water soon however restored the circulation, and they accomplished the remainder of their journey to Samaden without let or hindrance of any kind,—the air becoming perceptibly warmer as they proceeded. It was still cold, not so much so, however, as to prevent the enjoyment of the lovely Alpine scenery which presented itself to the gaze in this most lovely valley. First there was the Morteratsch glacier,—the finest in Switzerland,—most glorious to behold;—the Rosegg glacier, smaller though scarcely less grand; Pontresina, the head quarters of the Alpine Club, most prettily situated on a green spot on the banks of a sparkling, swiftly flowing river,—the heights of Monte Oro and Monte Rosso towering above. These, however, are but the salient points. The place is sparkling with beauty and brightness. From the windows of the little inn at Samaden, called the “Bernina Aussicht,” the view is magnificent. There is the green patch of Pontresina, the clear sparkling river, the wonderful glaciers and the snowy giants in the background. Of its kind it is unsurpassed if not unrivalled.

This is the valley which an Anglo-Indian, with sound lungs and suffering only from the effects of long residence in India, should resort to. Though called a valley, it is nearly as high as the top of the Rigi. Its climate is described by the residents as being “nine months winter, and three months cold.” But during those three months cold, the rest of Europe suffers three months of intense heat. The cold in this valley,—called the valley of the Engadin,—during this period, is of the most healthy character. It is dry, bracing, and, to the last degree, invigorating. There is nothing like it anywhere else. Here a man feels that he can breathe; he soon ceases to be an invalid, and he pants then to climb those glorious heights which have yielded, one and all, though after much perseverance, to the daring energy of the members of the Alpine Club.

It is well worthy of remark, too, that in this valley the houses and villages are scrupulously clean, and the people more than ordinarily obliging. So great has been the increase in the number of visitors of late years that each village has several comfortable inns. Those at Samaden, Pontresina, Silva Plana

and St. Moritz are perhaps most to be commended, but there are doubtless others. Sure we are that in any of these the invalid Anglo-Indian will speedily recover his faded vitality, and with it that elasticity of spirits which is the natural gift of those mountain regions.

But our tour has almost come to a close. After booking a parcel containing the coat and blanket to the kind host of La Rosa, our travellers, pressed for time, prepared to start by coach for Chur,—the air of the Engadin having driven away Musafir's indisposition. Driving through the pretty village of Silva Plana with its two charming lakes and glorious views of snow, our travellers crossed then the Julier Pass, about 6,800 feet, bare, rugged, and uninteresting, till they reached Mühlen. Thence to Tiefenkasten, a village romantically situated in the bottom of a valley, the view grows gradually prettier; and occasionally some remarkably fine bits are to be seen. It is pretty for the remainder of the way. Darkness had however set in before our travellers were landed at the Hotel Luckmanier in Chur.

Once more on the line of rail they proceeded along the valley of the Vorder Rhine to Ragatz. The visit to the famous Bad Pfeffers, about three miles from this place, may be regarded as the last, as it was the least considerable, of their pedestrian excursions. To Pfeffers the road runs immediately along the banks of the Tamina, a high and continuous wall of rock rising up from the opposite side of the river. The effect of the dark stream running under this rock is very fine indeed, and the walk is extremely pretty. But it is at the baths themselves that admiration is forced even from those whom long gazing at the marvellous has palled. Imagine a deep gorge with high rocks on either side, now open at the top and shewing the green trees and blue sky above, now closed so as to make all dark below; at the bottom of the gorge, several hundred feet below the surface, there dashes fiercely along a dark, turbid, stream, at one turn of which the ascending steam proclaims the existence of a hot spring, so hot that the atmosphere in its vicinity resembles that of a vapour bath. By degrees the eye becomes accustomed to the dim light, and, glancing upwards, notices what perhaps is the greatest wonder of all. Along the rocks, high up, even near the summit, are long lines of water marks, shewing clearly that some thousands of years ago that dark river ran its course nearly level with the summit. It could have been no sudden fall,—that which the traveller here sees;—it must have been the gradual work of long ages. The sinking of the line was probably unnoticed in any single age; it must have been gradual as the

passing of a man's life, imperceptible to mortal eye. It is very wonderful, and very suggestive.

Leaving Ragatz, our travellers proceeded to the Hotel Baur at Zurich, and parted the day after at Basel. Their tour was over. It had been a most delightful one,—a little cramped perhaps by the shortness of the period allotted for it, but in every other respect most enjoyable. On counting up expenses it was found that this tour of nearly a month's duration, in which economy had by no means been studied, had not cost each more than £15! With so small a sum is so much enjoyment to be realised in Europe!

We now proceed to indicate, as briefly as may be, the amount of wardrobe, and the other requisites, to which it may be possible for a tourist to confine himself. The wants of a man are few. The inns on the road provide everything except wearing apparel and soap. At these too he can always arrange to have his linen and under-garments washed. Giving these out at 4 or 5 in the afternoon, he can always have them in the morning. He will be amply supplied, therefore, if, of under-garments, he have three of each sort. For pedestrian excursions no shirts are to be compared to those made of silk; they fold into a small compass, and even when wet through they keep out the cold to a far greater extent than flannel. Of outer clothing the traveller should take one suit, consisting of a coat, waistcoat, and knickerbockers. These last are far preferable to trowsers, especially in wet weather, and, if the traveller be a fisherman, it is always easy to keep the knickerbockers dry, and at the most a change of stockings is involved. The best material is a smooth-surfaced tweed, and the best colour a dark grey. A coat made of coloured Russian duck may be likewise taken, as it may be worn with advantage when the heat of the sun makes the other almost unbearable. We would recommend him also to take a light black coat and waistcoat and a pair of trowsers. It is not respectful to the inhabitants of a large city to appear at the *table d'hôte* of its principal hotel in the costume of a vagrant. Such a costume should be reserved for the mountains. In a town the ordinary dress of towns-people should be worn. It is astonishing how the fair fame of our countrymen has suffered by a neglect of this simple custom. A light shower-proof over coat is quite as serviceable as a Mackintosh and infinitely more comfortable. These are obtainable all over the Continent. In Germany they are called "Wetter Mantel," and cost but a few shillings. These are as serviceable though perhaps not so elegant as those purchased in England at a higher price. No hat is so comfortable or so



serviceable, as the soft high-crowned felt hat of the Austrian mountaineers; it is far pleasanter to wear than any English-made hat, it keeps out the rain, and its broad brim wards off the sun from the face. They have this additional advantage that in Austria every one wears them. Of shoes we would recommend that two pairs should be taken, both to lace up in front, but one pair rather thicker than the other. It is easy to have them "nailed" in any part of Austria. A good umbrella is indispensable as a protection against the sun, more even than against the rain. It should be attached to a good stout stick pointed with iron, so as to be used, if needful, in climbing. An Alpine stock is only necessary in the higher ranges. For a bag to carry these things not one is equal to the Austrian Rucksack, which may be obtained for few shillings in any town or village.

Admirable maps may be procured anywhere. For Austria, the Tyrol, and Bavaria, those by Mayr are the best; for Carinthia and Carniola those by Justus Perthes of Gotha cannot be surpassed; for Switzerland there are several, but probably that now preparing under the auspices of the Alpine Club, and which will be published by Messrs. Longman and Co., next year, will be better than any now existing. The best guide-book for the whole of Germany is Baedeker's. It is not to be surpassed, and his recommendations for the hotels can always be relied upon. His Swiss guide-book is equally good, but he has a rival in M. Berlepsch, a Swiss, and a practical mountaineer. It is only fair to say that both are excellent.

To provide for a change of seasons it is always open to the traveller to send on a box of clothes to any town which lies on his route to await his arrival there. Having changed or replenished his stock he can again send it on to another place. This custom is well understood all over the continent, and is constantly resorted to.

A few days' experience will show the traveller in what respect his stock is deficient. It is always easy to replenish it at any town. It is better in the mountains not to have anything in excess. The addition of one or two pounds to a heavy bag is often sufficient to make a guide refuse to carry it.

We turn now, with diffidence, to the lady's outfit. This is a very difficult question. Ladies are so accustomed to an excessive wardrobe in India, that they find it difficult to believe that they can ever accustom themselves to one of the diminutive nature requisite for a mountain excursion. Yet we have never known an instance in which a lady, taking with her at the outset, "the very least she must have," did not find at the end of a month, that she had more than double her actual requirements.

The fact is that excess of baggage becomes a nuisance and an encumbrance. It is soon found that with the many conveniences offered by the inns in the shape of washing, a small quantity supplies the wants as well as a large one, whilst it is infinitely more handy. A lady, therefore, whatever may have been her previous ideas on the subject, would always be eager to propose to discard the superfluous. That may be waiting for her at the nearest town. There can be no object in dragging silk dresses across the mountains. Two dresses indeed are ample for all purposes of travel, the one condition being that both shall be of strong material. Stout boots lined with flannel, a shower-proof cloak reaching almost to the heels, a useful hat,—none can be more so than those of the Austrian shape now coming into fashion,—a small umbrella, and some good warm wraps. Fortunately it is no longer necessary to talk about crinolines, than which no article of dress is more out of place in the mountains. Changes of garments can always be sent on to await arrival, if necessary, at the first large town on the road.

The expenses of travelling in Austria are not very great. As a rule a party of gentlemen can do it for much less than a mixed party of ladies and gentlemen; but in neither case is it ruinous. The pleasantest number for a party is four, two of whom should be ladies. Four can fill one large carriage, or two einspänner; four will generally be able to find accommodation even in a rustic inn; and in that magic number are companionship and society. The entire expenses of a party of four ought not to exceed from £50 to £80 per mensem, inclusive of everything, or from £12-10-0 to £20 a head. Much depends on the length of the halts at each place. The enjoyment of travelling is greatly increased by the knowledge on the traveller's part that there is no limit as to time; that he can stay as long as he pleases at each place; that the season is absolutely at his disposal. There are many places, such for instance as the Gröden-See and the lakes of Langbath, the beauties of which cannot be thoroughly examined under a week or ten days, and from which it is difficult to part even then. In a long trip, with several halts of this sort, the mere expenses of travelling are spread over a longer period, and lessen proportionately the monthly expenditure. There are few Anglo-Indians who could not well afford such an outlay as that we have mentioned. It ought in Austria and Bavaria, in no case, to exceed the larger sum. In Switzerland it would probably be nearly doubled.

It is, however, essential to the comfort, and it will add greatly to the enjoyment, of a party of travellers, if one at least, of

their number understand the language of the country through which they are passing. We think it was Charles V. who said that a man has as many separate existences as he knows languages, and all experience goes to confirm the truth of the apothegm of the great emperor. The knowledge of a new language most certainly opens out to a man a new world. He reads not only the thoughts of great men as they expressed them in books, but he has opportunities in conversation for the study of character, and for acquainting himself with habits and manners, not otherwise attainable. The attempt, too, to acquire a new language constitutes a delightful study, alike enlarging the mind and contributing to strengthen the resources which every man, it is supposed, possesses, to a greater or a lesser degree, in himself. Few things, moreover, tend more to give a man self-confidence, and to foster independence of thought and feeling, than a knowledge of languages. Any knowledge gained by the independent action of the mind must shew the possession of a certain amount at least of sterling qualities. It must shew perseverance, energy, a determination not to be baffled, a power to withstand temptation to amusements, when something more important is in view. Above all it trains a man to travel on that road,—which is the surest path-way to success,—the road which leads without a single deviation to a pre-determined end. Now, success in study, which is only accomplished by the exercise of those qualities, immensely strengthens them. It assures the man of his capacity to succeed in other things. It thus gives him confidence in himself,—and that self-confidence is the parent of the independence of thought, without which a man is necessarily a machine.

In this country, which, in the present day at all events, is regarded by few but as a resting place, the study of European languages ought, one would think, to be peculiarly attractive. At the great places of resort on the Continent of Europe the tone of society corresponds far more to that of India than does the tone of society in England. At those places people meet for pleasure, acquaintances are easily made, and a very agreeable society is thus formed. There is no occasion here for letters of introduction, or formal presentations. All meet on the same footing, it being generally understood that only those travel who can afford to do so. A visit to the continent during the summer and autumn would, then, offer strong temptations to those Anglo-Indians who consider English manners and habits peculiarly repelling. Yet, as many of them have found, a journey on the continent, unaccompanied

by a knowledge of the language by one at least of the party, is often rank misery. In fact, to our mind, it is of all social miseries the greatest. It is a repetition of the tortures of Tantalus. The traveller sees how much there is capable of enjoyment, and yet that that enjoyment is withheld from him,—by ignorance of the language!

If people in India knew how easy it is to acquire some rudiments, at least, of a continental language, we are sure they would not be diverted from the study by the temptation of those second-rate pleasures which India can alone offer. To our mind India is the place of all others best fitted for the study of the drier portions of a foreign language. We can understand that in Europe, where there is so much to tempt a man into the sunshine and open air, where the streams invite the angler, the slopes of the mountain the botanist, the forests the sportsman, and where the merry laugh and innocent smiles of the daughters of the land invite all,—it must require the virtue of a St. Anthony to persevere regularly in such studies. But in dull, prosy India, in which the men are so care-worn and mysterious, and the society is a society of cliques, in which there are few temptations to ramble out of doors, and where every one seems bent on maintaining or increasing his social position,—a study of that sort is a refuge from a world, which, in their hearts, few can find congenial. In a country in which every one complains of a want of occupation, this is of all occupations the most delightful and the most repaying. It is easily accomplished, even if it is impossible, for the moment, to obtain a master. The system of Ollendorf has been made applicable to all the languages of Europe. A key is attached to each exercise-book. Sooner or later the student is sure to meet with an Italian, a Frenchman, or a German, who will be glad to impart to him the mysteries of the pronunciation. He quickly becomes interested in his task; somewhat later, and all the difficulties of the grammar are surmounted; he is able to read, even to speak a little. He will not then require any incitement to persevere. He is at the portals of a new world, and nothing then can restrain him from culling its fruits.

The desire thus to learn—how many possess it? The perseverance requisite for the task,—who will admit that they have it not? It is a great quality,—greater even than genius, and it has this peculiarity, that it is capable of being acquired by all who have force of will. It is a quality which gains strength by being used, which increases in intensity as the will becomes more firm, the aim more direct. We may be sure of this, that without such

a quality nothing great can be accomplished : unsupported by it, we shall be more and more inclined to grovel in the narrow lanes of life : great thoughts, noble instincts, will gradually desert us. Possessing it, there is scarcely any aim so high, to which a man otherwise capable, may not aspire.

We conclude, then, our last account of Musafir's wanderings by expressing a hope that a perusal of it may induce others, ladies, as well as gentlemen, to qualify themselves for the perfect enjoyment of that pleasure, which, of all those offered to Anglo-Indians on their return to Europe, is the simplest, the most health-giving, the most delightful.

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## THE RELIGIOUS HISTORY OF ASSAM.

ART. III.—1. *Journal of the Asiatic Society of Bengal.*

2. *The Pilgrimage of Fa Hian*; from the French Edition of the Foe Koue Ki of MM. Remusat, Klaproth, and Landresse.

3. *Sketch of Budhism*, by B. H. Hodgson, Esq., in the Transactions of the Royal Asiatic Society of London.

FROM the sketch we have already published of the history of Ancient Assam, it will be evident that the people of this valley were not always the apathetic, unambitious race they now seem to be. Time was, when under the spirited administration of the Buddhist dynasties, they constituted the ruling power of North-Eastern India, and when, as in later days, they successfully resisted the Mogul yoke. Indeed, the contrast between their present degeneracy and the character given of them in the following quotation from a Mahomedan historian, is very suggestive. "Their strength," remarks this writer, "and courage are apparent in their looks, but their ferocious manners and brutal tempers are also betrayed by their physiognomy. They are superior to most nations in physical strength and hardy exertions. They are enterprising, savage, fond of war, vindictive, treacherous, and deceitful. The virtues of compassion, kindness, friendship, sincerity, truth, honor, good faith, shame, and purity of morals, have been left out of their composition. The seeds of tenderness and humanity have not been sown in the field of their frames." "They have not bowed the head of submission," he adds, "and obedience, nor have they paid tribute to the most powerful monarch; but they have curbed the ambition and checked the conquests of the most victorious princes of Hindustan. The solution of the difficulties attending a war against them, has baffled the penetration of heroes who have been styled conquerors of the world."

It must be borne in mind that this description applies, not to the Hindus of Kamroop, but to the more manly population of

Upper Assam ; and that though in the main truthful, it is the testimony of one who, like all his co-religionists, could see nothing good out of the pale of Islam. The fact is, the Assamese were to the Moslems what the Numidians and Mauritanians were to the old Romans,—‘*genus insuperabile bello.*’ Traces of their early civilization, fostered as it was by long ages of independence, still remain in the architectural ruins with which the country abounds, and in the traditions that survive of former greatness. But though now they seem in common with the other subject nationalities of India, to have lost much of their individuality of character,—the political subjection to a certain extent repressing the social life,—still their present depressed vitality is, in a measure, indicative of the reaction common to all tribes whose submission to foreign rule is of recent date, and it will gradually yield to healthy commercial stimulus. With the yearly extension of the tea-trade, the increased cultivation of other products of the soil, and the wise interdict on indigenous opium, Assam, for many years only swamp and jungle, is already re-quickening into industrial activity ; it is multiplying its population, and bringing to birth higher necessities of administration. Under the wise care of the late Colonel Jenkins, whose power of sympathy with the people won for him universal confidence, the interests of the country have been defended against some of the most fatal influences that can beset the life of a people. It is now steadily rising in commercial and political importance, and demands, with its outlying hill-tracts, to be made the seat of a Chief Commissionership.

Every thing serving to throw light on the social condition of the people, and enabling us to trace the influences that have contributed to it, must, under such circumstances, have a peculiar value as well to the economist and politician, as to the philosopher and philanthropist. And what can throw more light on the social condition of the Assamese than their religious history ? It is to this we must turn if we would seek the hidden forces that have given bias to their civil institutions and moulded their social spirit. They have been so little known, having all along been regarded by us as only one remove from savages, that we take for granted that they had neither polity nor religion till they came under the influence of the Brahminical faith. We have already endeavoured to show that they were an important and highly civilized people long before they were overshadowed by Hinduism. The history of the ancient dynasties attests the long prevalence among them of the Buddhist faith. And it is to further testimony

on this point that we wish, in the first instance, to direct the attention of our readers.

All Budhists, whether in India, China, Thibet, Burmah or Mongolia, agree in representing Central India as the cradle of their religion. Its doctrines, so far as they are understood, have evidently grown out of Brahminism; and Budhists do not hesitate to acknowledge the superior antiquity of the religion of the *Vedas*. The Buddhist books now extant are divided into three classes, under the collective title of *Tri-pitok*. They are the *Sutro-pitok*, or the discourse of Budh; the *Vinoy-pitok*, or the discipline; and the *Obhidhormo-pitok* or the manifested laws, that is, the metaphysics. The first of these, the Sutros, are ascribed to Sakhya Muni himself, the last of the Budhs, and they preserve in the simplicity of their form and language indisputable traces of their origin. They consist of ethical and philosophical dialogues in which Sakhya acts the part of teacher, and throw considerable light on the connection between Buddhism and Brahminism, a subject on which the merely speculative treatises are almost entirely silent. The gods whose names appear in the Sutros are Naraiyon, Jonardhon, Shib, Brahma or Pitomah, Borun (Voran) Songkar, which is only another name for Shib, Kubir, Sokr, or Vasob, and Vissookormo. Besides these nine superior deities, there are occasional references to secondary gods, at the head of whom stands Indro who, under the name of Sachi-poti, or husband of Sachi, is often found associated with Upendro, one of the old names of Vishnu. All this goes far to show the connection of the popular deities of India with the founder of Buddhism. Sakhya doubtless found their worship already existing, and the accommodating spirit of Buddhism admitted them to some degree of reverence, although to Budh is uniformly assigned a power with which none of these gods is accredited. Buddhism was the result of a reaction of feeling from the pantheism of the Bramhins. The tendency of Brahminic philosophy was so to confound the Deity with the works of His creation as to obliterate all moral distinctions. But disastrous as the practical consequences of such teaching must necessarily be, it is impossible entirely to crush out the innate sense of individual moral responsibility in men. This feeling asserted itself in opposition to the doctrine which sought to identify the Divine Being with objects cognizable by the senses, and, as in the case of all violent reactions, led to the extreme conception of a God who possessed no attributes whatever. The Supreme Being became a simple abstract existence,—for this is the idea conveyed in the word



*Swabhāb*, a self-immanent substance. And since man's ideal of perfection is always identified with his ideal God, and the Buddhist conception denies to the Deity all action, purpose, feeling or thought, it follows that the highest perfection to which men can rise is a similar sublimation of existence. This is the *Nirban* of the Buddhists. The term itself is equivocal; but etymologically it signifies *extinction*, and this, we believe, is the true idea of the Buddhist creed. It is, at all events, the sense in which one of the Sanscrit books of Nepal uses it; for, in one passage, the supreme blessedness is likened to the going out of a lamp or of a fire, for want of fuel.

The Buddhist Scriptures are not regarded as an immediate revelation from God, but simply as the teachings of a high intelligence, inferior to the Divine Being, but competent to lead man through knowledge to ultimate absorption into the incommunicable substance of all things. Whilst Brahminism, blinded by its pantheistic belief, refused to recognize the existence of evil, and the ancient religion of Persia sought to account for the intermingling of good and evil in this world on the hypothesis of a two-fold original principle, Buddhism denied that the Supreme Being took any active or responsible part in the creation of the world. A fatality having occasioned the development of the self-immanent Substance, there emanated from it *Budh*, i.e., Intelligence, and Matter; these two elements combining to give origin to all existing species of things. The order of derivation is spoken of as being correspondent with the degree of approximation in the constitution of each species to the emanated Intelligence, which is a subtle constituent of all created existences, and, taking rank next in the scale of being after the mysterious Substance, is represented as having only the activity of contemplation. Accordingly, a Budha state is the last stage in the progress towards perfection to which a man comes before plunging into *Nirban*. The idea of Budh as a great teacher is associated with the eternal and invariable rotation of great Kalpos or æons, in each of which an age of degeneracy and decay is succeeded by one of renovation, when Budh, the first emanation of Intelligence, is believed to become incarnate with a view to rescue the human spirit from the darkness of illusion by shedding on it the effulgence of its original light. These Kalpos or rounds of ages had, we are told, been completed eleven times at the commencement of the present Kalpo; and Budh has come among men during every alternate age of the series constituting each Kalpo, right through the eleven Kalpos that are past. Indeed, he is believed to have appeared four times already

since the present Kalpo began its revolution; coming, on the last occasion, in the person of Sakhya Muni, who has given the law to the existing age. Such are the fundamental peculiarities of Buddhism.

Sakhya is to Buddhism what Vyasa was to Brahminism. He was the first to collect and reduce to writing the teachings of his predecessors. These he incorporated with his own doctrines. He is, therefore, among Buddhists, the sole authority for all historical data prior to his time, and it is only from his teachings that they may be gathered. That these data are involved in absurdity as great as that which mystifies the Hindu literature of the same period, does not admit of doubt. But the fabulous period ceased with the era of Sakhya Sing Budh, or perhaps with the century immediately preceding the time (B. C. 588) when this last incarnation flourished. It is this Budh whose doctrines are received as the rule of conduct, who is still recognized as the present Budh by his worshippers in Ceylon, Burmah, China and elsewhere, and the records of whose life and ministry are so minute and credible that they may fairly claim a place in authentic history. He is said to have belonged to the Khettri (Kshetriya) or warrior caste, and was the son of Sudhodana, the king of Mugudh or South Behar. He was born in the town of Kopilavosta, a town whose geographical position is now unknown; but the principal transactions of his life are connected with the countries lying between Mathura near Agra, and Assam. Conflicting opinions have been expressed respecting the places mentioned in Sakhya's history; the attempts to identify them with existing towns and divisions of country have resulted in the most contradictory theories. But however various and irreconcilable the opinions may be, it scarcely seems to have occurred to students of Sakhya's history and writings to look in a province so far east as Assam for the means of identifying any of the places mentioned in the legends of those early times. And since no mention had been made of architectural remains of the Buddhist order in this quarter, and many such had been discovered in the North-Western Provinces of India, it was only natural that this latter portion of the continent should monopolize all antiquarian researches. These researches have even been extended as far as Afghanistan and Persia. It is curious to observe, by the way, how often the men who are accepted as guides in these interesting inquiries, are charged with having made 'exaggerated estimates of distances,' with having been 'misinformed,' and even with having frequently erred in their enunciations regarding the points of the compass, whenever their statements have not

coincided with certain pre-determined theories. But as we are not disposed to enter on any speculative discussion on this subject, we shall content ourselves with putting together a few materials that may be useful to the antiquarian, and not uninteresting to the general reader.

One of the most important places mentioned in Buddhist legends, and celebrated as having on several occasions been the residence of Sakhya Muni and the scene of his preaching, is Vasali, or Vesali; a country which we have in a former paper assumed to be identical with Assam. It is important to notice that this name, sometimes pronounced *Withali*, is to this day given to Assam by the Burmese and the Shyan tribes. The government of the country, too, about the period when Sakhya Sing flourished, was, judging from local annals, of the same anomalous description as that attributed to Vesali at this time. It consisted of the joint rule of several chiefs who, in Sanscrit phraseology, were known as the *Lich-chi-wi*, or in the modern language of Assam, as the *Báro Bhuiya*.

The Assamese annals give an account of a prince named Susunanko or Susunago, a lineal descendant of Bhogodutt, the current traditions respecting whom correspond so precisely with the story given in the Mahawanso of a Vesali prince of the same name, that we cannot do better than notice them here.

"Who is this statesman, named Susunango? By whom was he brought up? He was the son of a certain Lich-chi-wi Raja of Vesali. He was born of a courtesan (*nogorasobhini*, literally, a 'beauty of the town,') and brought up by an officer of state." So much for the testimony of the Mahawanso.

Now, the Assamese annals state that upon a certain occasion the Lich-chi-wi Rajas consulted together and resolved that it would be prejudicial to the prosperity of their capital, if they did not keep up the office of chief of the courtezans. They accordingly appointed to this office a woman of high birth who was received into the palace of one of the Rajas, and in course of time gave birth to a son. Placing the infant in a basket carefully covered up, she committed it to the care of a female slave who, early one morning, left the basket on the spot where all the offal of the town was usually deposited. The moment it was put down, a certain Naga Raja (king of the serpents) encircled it in its folds, sheltering the infant beneath its hood. Passers by, noticing the snake, cried out, 'Su! Su! to frighten it away, and it disappeared. As soon as it had wriggled off, one of them approached the basket and on uncovering it, discovered a male child on whom were

traced clear indications of future greatness. Great joy was evinced by all the spectators, and a certain chief sharing in the feeling, took charge of the infant and conveyed it to his own house. When the time came to give a name to the foundling, it was called Susunago, in allusion to the cries of 'Su! Su!' and the Naga, or snake, that had defended it. As the child grew to man's estate, his superior abilities raised him to great eminence among the people; and when, afterwards, they got dissatisfied with their rulers, they made him king with the title of Susunago Raja.

He was succeeded by his son Kala Songko under whose auspices, according to the Pali annals, there was held the second religious convocation of Buddhist priests. This was about a century after Sakhya's death. According to the Mahawanso, the capital of this prince was Pupha-pura. Whether this is identical with the city of Purapur or Pura, the modern Tezpoie in Central Assam, we have no means of determining; but the probabilities are in favour of their being one and the same city.

The Chinese traveller, Hiuan Tshang, who visited India between A. D. 629 and 642, speaks of Vesali (Fei-she-li) as "a country 5,000 li in circumference, with a fertile soil, producing fruits, flowers, and grass. It produces many An-mou-lo and Meou-che fruits. The country is rich, the temperature pleasant, and subject to few vicissitudes. The manners of the people are gentle, and the people themselves content with their happy circumstances. As to their creed, it is a medley of the false and true. More than a hundred Kia-lan (monasteries) are in ruins. There remain but three or five, in which there are but few religious disciples: these have about ten chapels, live mingled with the heretics, and appear in fact scarcely different from them. The town of Fei-she-li is at present fallen to ruin. The ancient walls are 60 to 70 li in circumference, and the fort (Koung-chhing, *town of the palace*) 4 or 5. It is no longer inhabited."

Whether from the expression 'town of Vesali' we are to infer that there was a town of that name, or that it was merely intended to signify the principal town in the country of Vesali, we are unable to ascertain. But it is a question of no importance. From a passage in 'The Pilgrimage of Fa-Hian,' a Chinese pilgrim who travelled in India about the commencement of the fifth century, we learn that "when Foe (Budh) was on the eve of entering *Nirban*, he with his disciples issued from the town of Vesali by the western gate, and turning round to the right, and

" casting his eyes upon the town, he prophesied to his disciples " saying, ' It is here that the last of my acts will take " place.' " But Sakhya Muni is said to have died near the town of Kusinara, Kusinogor, or Kusawati; and if we take into account the events which, according to the Pali annals, transpired in the brief interval between Sakhya's leaving the town and his death, the presumption is that ' the town of Vesali ' is identical with the city of Kusawati.

Sakhya who was four score years old when he died, was to the last in full possession of his mental faculties. The sickness which terminated his career overtook him at the village of Belugamako, near Vesali. He then decided on hastening to Kusawati, the city in which he was destined to realize the *Nirban*. Having reached a grove of *Sal* trees belonging to the Malla (Khettri) princes, on the further bank of the Hirannawattiya river, near the city of Kusawati, he desired his chief disciple, Anando, to prepare a bed for him between two *Sal* trees. Here, in the last watch of that same night, ' Budh realized his Nirban.'

We have already shown in a former paper, that the etymology of the word *Kusawati* presents no difficulty in the way of the identification of the ancient city of that name with the modern town of Gowhatty. We may just add that ' the death of Sakhya as generally stated in the Thibetan books, happened ' in Assam, near the city of Kusha (Sachan) in Kamroop, under ' a pair of *Sal* trees.' \* The numerous pilgrims from Thibet and Bootan who come down annually into Assam to worship at the ancient shrines of their faith, corroborate the statement just quoted from M. de Csoma; for, they not only hold that Sakhya died at Sachan, but they universally identify this Sachan, or Sachok, with Gowhatty. Moreover, Mr. Brian Hodgson, onewhile British resident at the Court of Nepal, to whom the learned world is indebted for bringing to light the books of the Nepalese Buddhists, books of which those of the Buddhists of Thibet, Mongolia and China are only translations,—tells us that according to his ' Nepalese authorities, Sakhya died in Assam.' And furthermore, the Pali annals to which reference has been made, affirm that Sakhya Budh died on the further bank of the Hirannawattiya river. Fa-Hian also says: ' It is to the north of this town (Kusha) betwixt two trees on the bank of the river Hilian,' that the Illustrious of the age, his face turned to the north, entered *Nirban*. The Pali

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\* Notices on the Life of Sakhya from the Thibetan authorities. By M. Csoma de Kőrös,

and Chinese transcriptions of the name of this river are acknowledged to be etymologically the same as the Sanscrit word *Hiranyo*, 'golden;' and it is worthy of note that the *Hiranyo* is the name by which the *Berhampooter*, the river which washes *Gowhaty*, has long been known.

The conclusion, then, to which we come, as well from the fact that *Bhogodott*, the king of *Kamroop*, took the field in the great war of the *Maha Bharut* in aid of *Durjodhon* who represented the *Budhistic* faith, as from the circumstance of the *Budhist* princes of *Gour* tracing their descent from the king of *Assam*, and the identification of *Kusawati* with *Gowhaty*, is that the religion of ancient *Assam* was *Budhism*. If further attestation of this fact is necessary, we have it in the ruins of the sacred edifices with which the province once abounded.

It has been remarked that there appear to have been neither temples nor images of deities in India during the age of its great *Epics*. We should, on the contrary, regard it as more likely that architecture and sculpture should develop under the influence of *Budhism* than under that of the widespread separation into sects which we know succeeded the *Epic* form of religion in India. This division into sects necessarily impaired the vital energy of *Brahminism*; nor was it possible that so unnatural a condition of society should be characterized by progress in the cultivation of the arts. Accordingly, it does not surprise us to find that the construction and bas-reliefs of most of the celebrated temples of India prove them to have been *Budhistic*; and the same may be affirmed of the temples of *Assam*. Of the age of these latter we, indeed, have no certain knowledge; but the scale on which they have been built and the devices they exhibit betoken a time of considerable religious enthusiasm. To whatever cause or causes their destruction may be attributed, certain it is that most of them are now, and have for generations been, in utter ruin. In some instances, their stones have been used in the construction of *Hindu* temples, and have been placed in their new position without any regard to their original design; whilst in others, fragments of carved figures and ornamental friezes intended, evidently, to occupy conspicuous places in the ancient edifices, have been laid down as paving stones, or have helped to build the rude steps that conduct to the modern *Brahminical* shrines. But wherever found, there is sufficient mutual resemblance in these stones to enable us to form some idea of their original design. They at all events teach that the temples of which they once formed a part, belonged essentially to one and the same style of architecture, although

some of them were plain and simple, and others elaborately decorated.

There is one little temple that still stands in a state of almost perfect preservation. Being in a secluded spot it must have escaped the observation of the ruthless bigots who aimed to destroy every trace of a religion they despised. And we are glad it did, for we are by this means enabled to form a correct idea of the architecture and arrangement of these olden fanes. We refer to the unique little temple of Singeshwor, so called from *Eshwor*, God, and *Sakhya Sing*, the last Budhic incarnation. It stands in one of the southern divisions of the modern district of Kamroop, known as the Choigaong Dwar, and is about thirty miles in a direct line south-west from Gowhatti. It is entire, with the exception of a few stones forming the apex of the pyramidal roof, which have fallen over. One of these stones is in the shape of an urn, about two feet high and four feet in circumference in the widest part, with a circular hole, four inches in diameter, cut vertically through it. Urn-shaped stones of this description are found near most of the ruined temples, and they probably formed, as in this instance, the highest point of the buildings. As it is still the practice in Buddhist countries to plant an umbrella on the summit of sacred edifices, it is by no means an unreasonable conjecture that the vertical hole in the topmost stone was meant to support this Indian emblem of royalty. The simplicity of the architectural design makes it highly probable that the little temple of Singeshwor belongs to one of the earliest of its type. The body of the building is in the form of a cube, measuring six feet each way. The walls are about three feet thick, and are built up of large square blocks of fine-grained granite laid in horizontal courses in the form of the *isodomon* or regular masonry of the Greeks, and having the external and internal surfaces worked to an even plane. They rise from a stone-paved platform two feet above the level of the ground, which projects two feet from the walls. The fillet has a projection of eight inches, and the plinth extends to fourteen inches beyond it. A similar fillet or plat-band projects eight inches beyond the top of the wall, from which springs the roof rising conically.

As seen from within, the roof rests on eight slabs, each six inches thick, disposed in the form of an octagon, and supported by the walls. Above these are placed six courses of slabs forming so many concentric rings, each six inches thick, and projecting four inches beyond the one below it, towards their common centre. Overtopping these, lies a large flat slab, on which is carved in high relief an inverted eight-petaled *Podmo* or

Lotus flower, two and a half feet in diameter. Owing to the great thickness of the walls, the area of the cella or room is only three feet two inches square. The entrance to it is by a single doorway facing the west, and is only four feet high and two wide, with a block rising nine inches above the floor for a threshold. On the stone which rests on the top of the doorway across the entrance, is a small figure of Gonesh, the door-keeper of the gods, carved in relief; and on the doorposts on either side is carved the figure of a man standing. The height of the figures is twelve inches. These are the only sculptured ornaments about the building. A small carved podium or basement stone, about a foot and a half high, and unconnected with the building, stands within the cella. This stone on which, probably, the idol was elevated—if the temple ever had one,—is in the form of a parallelogram with a smooth flat surface gently inclining to the right, on which side it is prolonged in the shape of a spout designed to carry off the water used for washing the stone after the removal of the daily offerings.

This temple like all the others that have escaped destruction, has been appropriated by the Hindus, and a Brahmin officiates in it as priest. The object of worship it now holds is a stone figure, about two feet high, cut in relief on a larger block than the usual podium just described, the rough and unfinished sides of which show that it was not originally intended for the position it occupies. It has, in all probability, been extracted from the wall of some other temple. Immediately in front of the temple and connected with it, is a square open porch or propylæum, having a stone pavement raised two feet above the ground and covering an area of eight feet square. The roof which resembles that of the temple but is only a little lower, is supported by four octagonal pillars, the shafts measuring three feet four inches in height, and resting on a projecting base of the same shape, seven inches high. The capitals are formed of two pieces each. The abacus is cross-shaped, each limb being supported by a volute springing from a circular slab which forms a fillet resting on the shaft; while the architrave has bracket-shaped projections resting on the outward limbs of the cross-shaped capital which help to support the slabs forming the base of the pyramidal roof.

Parallel with this building and about three rods to the south of it, stands another stone temple of somewhat larger outward dimensions, but in a very dilapidated condition. It consists of three compartments. The vestibule which is on the west side of the building is a room six feet square, enclosed by walls six feet high, and having an entrance door four feet



by two. The ante-room adjoining is of the same width, but only four feet across. The outer walls of this room are provided with a few longitudinal apertures for the admission of light. The passage leading into it is only three feet high and two feet wide. Opposite to it is a still smaller passage leading to the adytum which is only two and a half feet square. The wall, however, is three feet in thickness, and on the outside the room has the appearance of an octagon with a diameter of eight and a half feet. The roof over the vestibule and anti-room resembles that of the smaller temple; but the adytum though covered in, like the rest, with a flat slab ornamented with the flower of the Lotus, has above it a tapering pyramidal roof, the front or western projection of which is ornamented with curious emblematic devices.

The temple of Kamikhya, or Kameswhori, now one of the most celebrated Hindu shrines in Assam, was once a Buddhist temple, although, as now, it was probably in the early time, dedicated to the worship of the *yonis*. The *Jogini Tontro*, a standard authority in Assam inasmuch as its contents are supposed to have been communicated by Siva to his consort Parboti, tells us that though king Norok was an Osur (infidel), he was so esteemed by the gods that they made him guardian of the temple of Kamikhya. It is not unlikely that the temple was originally erected by Norok, though this is only a conjecture; at any rate we may safely conclude that it existed in his days. It is situated within the boundary of the ancient city of Gowhatti, about two miles to the west of the modern town, on the summit of a hill known as the Nil-achol, which rises abruptly from the banks of the Berhampooter to a height of 800 feet. It is believed to have been destroyed by the Mahomedans in the reign of Gyas-uddeen, king of Kamroop, but restored by Nil-Naryun, a Koch king who flourished in the 16th century. If we accept the hypothesis that Assam is the Vesali of the Buddhists, then there is nothing unreasonable in supposing that the temple of Kamikhya was the 'Kuttagara edifice situated close to the town of Vesali, where Sakhyas Sing delivered his last solemn charge to the priesthood'; and near which, according to his own statement, he had on more than one occasion been tempted by Maro or Kam who, according to Thibetan authorities, was 'the Queen of the Kamroop world.' Ptolemy also mentions that Marinus had heard of Cattigara, which he places not far from the confines of the country of the Sinæ.

The object of worship in this temple, as we have already said, is the *yonis*, represented by a *Tri-con-akar Jontro*, or

triangular stone, and known in Buddhist mythology as *Prajna Devi*, the universal mother. The subjoined extract from Mr. Hodgson's quotations from the original Sanskrit authorities on Buddhism, will best explain the character and meaning of this worship :

*Adi Budh.*

' When in the beginning all was perfect void (Maha Sunyato) and the five elements were not, then *Adi Budh*, the stainless, was revealed in the form of flame, or light. He is the self-existent great Budh, the *Adi-Nath*, the *Moheswor*. He is the cause of all existences in the three worlds; the cause of their well-being also. I make salutation to *Adi-Budh* who is one and sole in the universe; whose name is *Upay*, who became manifest in the great Sunyato as the letter A. He is the creator of all the Budhas; the chief of the Budhi-satwas are cherished by him. He is the creator of *Prajna* and of the world. *Aliter*. He made the world by the existence of *Prajna*; himself unmade.

*Adi Prajna, or Dharma.*

' I salute that *Prajna Poromita* who by reason of her omniscience caused the tranquillity-seeking *Sraboks*\* to obtain absorption; of whom wise men have said that the external and internal diversities belonging to all animate nature are produced by her who is the mother of Budh, of that Budh to whose service all the *Sraboks* and *Budhi-satwas* dedicate themselves. I make salutation to the *Prajna Devi*, who is the *Prajna Poromita*, the *Prajna-rupa*, the *Nir-rupa* and the universal mother. The wise make no distinction between thee and Budh. Every Budh assembling his disciples instructs them how from unity thou becomest multi-formed, and many-named. The Budhas, *Pratyeka Budhas* and *Sraboks* have all devoutly served thee. By thee alone is absorption obtained.

' When all was *Sunyata*, *Prajna Devi* was revealed out of *Akash* (space) with the letter U. Salutation to *Prajna Devi* from whom (*Kam-rupini*) in the form of desire (*Dharmadya Songoto*) the production of the world was excellently obtained. That *yonis* from which the world was made manifest is the *Tri-kon-akar Jontro*. In the midst of the *Jontro*, or *Tri-kon* (triangle) is a *bindu* (point, or cypher); from that *bindu* *Adi Prajna* revealed herself by her own will. From one side of the triangle *Adi Prajna* produced Budh, and from another

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\* One of the ascetical orders of Buddhists.

'side Dharma, and from the third side Sangha. That Adi Prajna is the mother of that Budh who issued from the first side; and Dharma who issued from the second side is the wife of the Budha of the first side, and the mother of the other Budhas.

*Adi Songha.*

'That Amitabha, by virtue of his *Samta-jnyan*, created the Budhi-satwa named Padma-pani, and committed to his hands the lotus, the type of creative power. From between his (Padma-pani's) shoulders sprang *Brahma*; from his forehead *Maha-dev*, from his two eyes, the sun and moon; from his mouth, the air; from his teeth, Saraswati; from his belly, Varuna; from his knees Lakshmi; from his feet, the earth; from his navel, water; from the roots of his hair the *Indras*, and other *Devatas*.

'From the union of the essences of Upaya (Adi Budha) and of Prajna (Adi Dharma) proceeded the world, which is *Sangha* represented by the letter M.'

The 'Amitabha,' as Mr. Hodgson informs us, is the fourth *Dhyani*, or celestial Budh: and Padma-pani is his *Aeon* and executive minister. Padma-pani is the *præsens Divus*, and creator of the existing system of worlds. Hence his place as third member of the Triad. He is figured as a graceful youth, erect, and bearing in either hand a lotus and a jewel. This explains the meaning of the celebrated *Shadakshari Mantra* or six-lettered invocation of him,—AUM ! *Mane padme hom* !—of which so many corrupt versions and more corrupt interpretations have appeared from Chinese, Thibetan, Mongolese and other sources. The *Mantra* is one of three addressed to the several members of the Triad, and as translated by Mr. Hodgson, signifies, 'I salute him of the lotus and jewel.' The *præsens Divus* is everything with the many; hence the notoriety of this *Mantra* whilst the others are hardly heard of, and have remained unknown to travellers.

Thus the worship of the Prajna Devi belongs as much to Buddhism as to Brahminism, and in the temple of Kamikhya we have another memorial of Buddhistic times.

The Hajou temple which is also of considerable repute, is built on a hill of that name. This hill is 300 feet high, and stands on the northern bank of the stream which was once the main channel of the Berhampooter. It is to the north-west of the ancient city, and eight or ten miles from the great western gate. This is the temple which the Mahomedan General Bhooktyar Khilijy attempted to seize when he found the stone-bridge across the river dismantled and was obliged to

march along the bank in search of a ford. The temple is visited not only by pilgrims of the Brahminic faith, but also by Buddhists from Nepal and Thibet, who come here with their annual offerings. The shrine is also not unfrequently visited by devout pilgrims from China and Mongolia, who are content, with this view, to undertake perilous journeys through the trackless forests and snows of the Himalayas. The idol which is the object of all this veneration is a representation of Budh in his usual contemplative posture. It is of black stone, and may measure some six feet in height, and is elevated on a basement stone two feet high, which stands in the centre of the temple. The idol is known to the common people as *Maha Muni*, or the great sage.

The temple is a massive stone structure with a pyramidal roof; but it would appear from the disarrangement of many of the mouldings and friezes, and the evident misplacement of several of the stones that the upper portion has been re-constructed out of the old material. The base to about six feet in height is decidedly ancient, and is the best proportioned and most handsome portion of the building. On the outside, the edifice is octagonal, its greatest diameter being thirty feet; but the inner room is a square, fourteen feet each way, thus leaving eight feet for the thickness of the walls. The entrance to this inner room is by a door-way ten feet high, and five wide, formed by four blocks of granite at right angles to each other. The upper horizontal block has a lotus carved on it in high relief. This is the only ornament inside. The door opens to the west, and projecting from it is a vestibule ten feet square, built of stone, with an ornamental window on each side (if such it may be called), for the admission of light. Each window consists of a block of stone four feet square, with holes cut through it in the shape of lotus flowers. Beyond this vestibule is a large vaulted room measuring 40 feet by 20, built of brick and supported on massive pillars. It forms no part of the original building, and it is very probable that it replaced a dismantled stone edifice which the workmen of Noro Naryun's time had not the skill to restore. This king found the temple entirely deserted, and almost lost in jungle; the smaller buildings about it had fallen into ruin and the great temple itself had been partially overthrown. This he restored and endowed with lands, pykes, and dancing girls, and appointed benefited priests to minister to the idol. The outer face of the temple is adorned with a row of elephants carved in bold relief with their faces outwards, and occupying the position of the caryatides of Grecian architecture. The figures are two

feet in height and seventy-four in number round the temple, besides the eight that stand on either side of the vestibule.

To the north-east of the modern town, but within the ancient precincts of Gowhatty, are to be seen the remains of another Buddhist temple possessing special interest from the fact that the lower portion of the walls enclosing the adytum still stands entire. The stones in the inner face of the apartment consist of plane blocks laid in regular horizontal courses; but those on the outer surface are elaborately carved with sundry figures and devices. Like the stones used in the construction of the other temples, these, too, appear to have been kept in their places by means of iron pins. The space between the inner and outer lines of stones has been filled with loose stones and fragments of all shapes and sizes, laid together without mortar in as close order as the skill of the workmen and the character of the material would allow.

But we must bring our description of these temples to a close. 'Then,' says the Lolita Vistara, 'the principal champions of Kusha thus said to the champions that crowded together from all parts: hear, ye intelligent citizens! The wives and the maids of the champions shall make canopies of cloth over the corpse of Chomdondas (Sakhya Muni): the wives and lads of the champions shall carry the bier of Chomdondas; and we showing respect, reverence, honour and worship to him, with fragrant substances, garlands, incense, sweet scented powders and music, so we shall enter at the western gate of the city, and after having perambulated the whole space within, we shall go out by the eastern gate of the city; and after having passed over the Yig-dan (Hiranyo) river, we shall stay by the Choityo—called the Choityo that has a head ornament tied on by the champions—and there we will burn the corpse.' The situation of these temples relatively to the town of Kusha which, for reasons already given, we are disposed to conclude is Gowhatty; their site on the further bank of the Hiranyo, the name by which the Berhampooter is still known in Assam; the fact that one of them is to the present day consecrated to the worship of Maha Muni, and the veneration in which it is held by all Buddhists,—furnish the highest presumptive evidence that one of these sacred edifices was 'the Choityo, adorned with the head ornament' near which stood the grove of *Sal* trees, beneath whose shade Sakhya Muni 'went to his last sleeping bed,' and near which also the rites of cremation were performed.

From particulars furnished in Buddhist writings we glean that several choityos, or sacred edifices, were erected in various

places in Vesali, either to commemorate special events connected with the life of Budh, or as depositories of his relics. When the kings of the adjacent countries heard of the death of Budh, demands were immediately made by them for a share of these relics, which being peremptorily refused, the city was besieged by their troops, and the 'champions of Kusha' were reduced to the necessity of arming their wives and children, and exercising them in the use of the bow, that they might defend themselves against so overpowering a force. Before the commencement of actual hostilities, however, a Brahmin interposed between the contending parties, and at his suggestion the relics were divided into eight parts and distributed amongst them. Some portion, at all events, of these sacred relics were put, as we are informed, 'into an urn of gold and deposited in the middle of the city 'of Kusha.' On the southern bank of the Berhampooter which now runs through the ancient city dividing it into nearly equal parts, and on a spot which, if not precisely in the centre of the old city, must undoubtedly have been very near it, there still are extensive remains of what must have been one of the most important temples of the country. Here in all probability, 'the champions of Kusha erected a Choityo over 'the relics of Budh.' Most of the stones which lay here have, of late years, been removed for the construction of bridges and other public works, whilst great numbers still lie buried beneath the soil. Immediately on the bank of the river, and not much above high-water mark, there is a colossal figure of Budh in the usual sitting posture, which is worshipped by the Hindus under the name of Budheshwor, or the god Budh. It is cut in the solid rock, and is furnished with four arms. The extra arms are by no means an uncommon addition in the Budhic figures to be met with in Bhootan and Nepal, where, as Mr. Hodgson remarks, 'these images are to be met with of 'all sizes and shapes, very many of them endowed with a 'multiplicity of members sufficient to satisfy the teeming fancy 'of any Brahmin.'

Thus, the alliance of Bhogodott with Durjadhon, the champion of the Budhists in the great war of the Maha Bharut; the fact that the Buddhist princes of Gour traced their descent from the kings of Assam; the very traditions of the country; the identity of Gowhatty with the ancient town of Kusawati, and the consequent connection of Assam with the history of the Budhic annals; and lastly, the ancient temples we have described, all of which are of Budhic origin,—point indisputably to Budhism as the early religion of the country.

Hindu annals give the period of the successful invasion of Assam by Debeshwor, king of Mithila, as the time when the Brahminical faith was introduced. This would be about A. D. 78. It is not improbable, however, that Buddhism began to be undermined immediately on the overthrow of the Bhogodott dynasty, by the proselytizing zeal of the new Hindu dynasty. Bhogodott's dynasty disappeared synchronously with the conquests of Vickramaditya ; and although the old faith lingered long in the capital of Assam and its immediate neighbourhood, it may be said to have virtually succumbed to Hinduism from the moment of the downfall of the great Buddhist kings. It may be surprising to those who have been accustomed to regard Hinduism as essentially non-aggressive to hear that in Assam at least, its career has been a proselytizing one ; but this, nevertheless, is the fact. It is daily recruiting its strength from among the surrounding hill-tribes, and even where the creed as such is not acknowledged, its leavening influence is felt. It has so impregnated the general mind that it is impossible to understand the social institutions of the country without it.

The Hindus are divided into three great bodies of worshippers, —the Voishnobs, the Soibos, and the Saktos. Of these, the Voishnobs are by far the most numerous in Assam ; the worshippers of Sib, and the Saktis bearing but a small proportion to them. However, this was not always so. Time was when the worship of Sib reached even to the eastern section of the valley ; but it has now to a great extent given place to that of Vishnu. Judging from the numerous shrines dedicated to Sib, a superficial observer may be tempted to infer that the Soibs are still the most popular sect ; but these temples are, generally speaking, regarded with little veneration. Most of the images of the Linga are the remnants of an older form of worship, and were held in reverence by the Budhists as emblematic of fertility and productiveness. It was not till the days of the Koch kings of Kamroop that the worship of Sib in its present form became popular. The Brahmins, introduced under their royal patronage, neglected no opportunity of extending the worship of their tutelar god ; the old overthrown temples of the Budhists were restored wherever restoration was practicable, and many new temples rose into existence, alike dedicated to the patron deity. Owing to the Tontrika Purans, which about this period had their origin in the western parts of Assam, Kamroop acquired a new importance in the eyes of the Hindu world, and came to be regarded as the favourite resort of the god Sib, and the scene of most of his exploits. And subsequently, when the prestige of the Koch kings was on the wane, and a new power appeared in the

north-east, which bid fair to exercise dominion over the whole country, the Brahmins, true to their principles, hastened to ingratiate themselves with it. The Ahom rulers were admitted to the rank of pure Hindus, and under their royal patronage more temples sprang up, and the worship of Sib spread to the eastern extremity of the valley. Still, it does not appear to have ever acquired great popularity, and, as already intimated, it was not long before it was entirely supplanted by the Vishnuvite doctrine.

The Dooga-pooja was wholly unknown in Assam till the Bengalees introduced it, subsequently to the British conquest of the province. But it has never been popular with the multitude; and even the great festival of the Dusserah, also in honour of Doorga, is marked by no particular observances except at the temple of Kamikhya. The worship of this temple, according to Hindu legends, originated in the following way: The father of Parboti on one occasion convened a large assembly of the gods for the purpose of offering a solemn sacrifice with a view to obtain male offspring, he having already been blessed with one hundred and one daughters. His son-in-law, Sib, who had before this incurred his displeasure, was not invited to the convention. Parboti who was not disposed to brook this affront, went to the place of assembly for the express purpose of resenting it. Finding that she herself shared in the odium incurred by her husband, and enraged at the contemptuous manner in which she was treated by the assembled gods, she flung herself into the sacred fire, and spoiled the sacrifice. Sib on being told of the catastrophe, hastened to the spot, and after revenging himself on his father-in-law by cutting off his head, placed the dead body of his wife on his shoulders, and went seven times round the earth bemoaning his misfortune. The velocity with which he made his circuits, caused his burden to drop to pieces. These pieces were scattered all over the world, and the places where they fell became sacred. One portion fell on the Nila-chol, where it is the object of worship of numerous votaries from all parts of India. Another is said to have fallen somewhere in Nepal. The frontal bone is said to have fallen at the further end of the Sadiya district, on a spot on which the copper-temple of the eastern Kamikhya afterwards stood. The ruins of this temple were visited by Colonel Hannay in 1848, and from his description which was published in the Asiatic Society's Journal, there can be little doubt that it was originally a Buddhist structure, the Brahminical legend associated with its origin belonging, in fact, to the long subsequent Brahminical period. In the palmy days of the Brahminic priesthood in Assam, the animal



sacrifices offered at this shrine exceeded in number those of any other temple. Even human victims were not wanting. These were taken from a particular section of the community who with their families were assigned to the temple by royal mandate, and were compelled to reside in its neighbourhood. Nor is this the only temple in Assam where such barbarous sacrifices used to be offered.

The temple of Kamikhya on the Nila-chol is now with the Sakto sect the most important in the province, and it is here that by far the greater number of animal sacrifices are offered. About a hundred and fifty goats and a due proportion of buffaloes are here slain every year, the latter animals being reserved for the most part, for the Sarodiya Pooja, or autumnal worship of Doorga.

The Voishnobs constitute three-fourths of the Hindu population of the valley. They are so called from Vishnu, who is generally worshipped under the name of Krishna. They derive most of the peculiarities of their creed from Songkor and Madhob, the first propagators of the Vishnu doctrines in Assam. Songkor is said to have been born in the year 1385 of the era of Salivahana, corresponding with A.D. 1463, near a tank known as the *Ali-pukri*, in the neighbourhood of the *Bordwar-Sthan*, Zillah Nowgong. According to the *Lila-choritro*, a work professing to be a history of the founders of the sect, Songkor's father, Kusum, was one of the twelve chieftains, or Baro Bhuiyas, who held sway in the country north of the Berhampooter. He was a Kulita by caste, but the education of his son was entrusted to a learned Brahmin. No marvels are related of Songkor's childhood, although he is said to have shown a wonderful aptitude for learning. He married early, and on the death of his wife he distributed his property amongst his relatives, and went on pilgrimage to Juggernath's shrine in Orissa. From here he sought other places of pilgrimage, and returned to his native country after an absence of twelve years. Finding the Government in a very disorganized state, he was importuned by his friends to resume his hereditary position, and aid in restoring order; but this he declined to do, urging that he had only come home to meditate on all that he had heard and seen. The seclusion in which he lived and his intense meditations won for him the favour of Juggernath. This god appeared in a dream to one Jogodisa Misro, a Brahmin of Benares, who was at the time employed as a reader of the Shri Bhagavot at the Juggernath temple in Orissa, and directed him to read the sacred Puran in the hearing of Songkor, and to instruct him in its doctrines. The

Brahmin accordingly undertook the journey to Assam, and for a whole year Songkor enjoyed the benefit of his teaching.

It was about this time that Songkor's intimacy with Madhob began. Madhob was a Sakto, a worshipper of the female deities. One day he gave directions to his brother-in-law to procure a goat for sacrifice. This came to the knowledge of Songkor who advised the brother-in-law not to comply with Madhob's directions. Madhob, displeased at what appeared to him an unwarrantable insult, sought an interview with Songkor, when a violent altercation ensued. Songkor however, quoting from the Shri Bhagavot explained to him how all adoration ought to be paid to Vishnu, Supreme. 'For,' said he, 'if you pour water on the roots of the tree, the leaves and branches are refreshed and strengthened; but the water if applied to the leaves and branches only, and not to the roots, will be of no avail.' Madhob was so much struck with the aptness of this illustration, that he at once prostrated himself as a disciple before Songkor. From that hour he devoted himself to the study of the Bhagavot and the Gita, and in time became Songkor's most efficient co-adjutor in the work of proselytism. The success of the new teachers excited the jealousy of the Brahmins, and to silence their revilings Songkor challenged them to a public controversy. In the presence of the eager assembly that met, he declared that he would condemn the Brahmins out of their own mouths. He accordingly asked them whether a sinner and an outcast might repeat the name of Krishna without having made atonement, and previous to his re-admission into caste. They replied that the name of Krishna was of such efficacy that to repeat it was not only permitted but enjoined; that the repeating of the name alone was sufficient for atonement; and that in the present iron age, this was all that was necessary for a man's salvation. All present declared that this was the substance of the doctrines taught by Songkor, and taking up the cry of 'Hori! Hori!' which he had taught them, they completely silenced the Brahmins.

After this, Songkor travelled about the country teaching his doctrines and establishing *sthans*, or *chotros* as they are usually called. *Sthan* means a *place*, or *station*, and is by way of preeminence applied to the places of worship of the sect. *Chotro*, or *Sotro* as the Assamese commonly pronounce it, properly means an *umbrella*, and was applied by the Budhists to their temples, from the circumstance that these edifices were commonly surmounted by an umbrella, the emblem of royalty. The Voishnobs who supplanted the Budhists in Assam have retained the name, and in most instances too, the very

sites held sacred by the Buddhists. One of the most important chotros established by Songkor is that known as the Bordwar Sthan, near his native village. The head priest of the establishment, a Kulita, is said to be descended from him. In the autumn of his life, Songkor again visited Orissa, and it was on this occasion that he had an interview with Choitonyo. He died soon after his return to Assam, and was succeeded in the leadership of the sect by his colleague, Madhob. After Madhob's death, the sect got broken up into two or three minor divisions. The most noted of the schismatics were Damudhor a Brahmin, Gopal, and Horideb. Those who adhere to the doctrines as taught by Songkor and Madhob are usually known as *Moha-purushyas*, that is, the disciples of the 'great men;' and the heads of their religious establishments are called Odhikars, or Rulers. Captain Dalton, to whose interesting 'Notes on the Mahápurushyas' published in the Asiatic Society's Journal, we are indebted for our information respecting the leaders of the Voishnobs, furnishes the following summary of the belief and practice of the Mahápurushyas. He says:—

"They (Songkor and Madhob) instructed their disciples to acknowledge the existence of only one God, Vishnu the Supreme, and prohibited their engaging in the worship of any other deity. They do not ignore the existence of the rival or minor gods of the Hindu Pantheon, but consider that in adoring Vishnu they obtain the favour of them all. They were instructed to acknowledge all the Avatars of Vishnu, but were to regard his appearance as Krishna as the manifestation of most importance to mortals, and to seek salvation by the repetition of his name and contemplation of his attributes. Amongst his other titles he was to be acknowledged as Radha Vallabha, or lord of Radha, but Radha was to be regarded as inseparably connected with this incarnation of the god, not as a distinct object of worship. In regard to a future state, the doctrines, if I am correctly informed of them, are simple enough. Elevation to Vaikantha, the heaven of Vishnu, as the reward of the virtuous; an eternity of 'Narak,' hell, as the lot of the wicked.

"Those amongst them who are 'Grihis,' laymen, were permitted to worship the images of Vishnu and Krishna in the form of the Sálagram, but all other idol worship was interdicted, and though images of Krishna, Rama, &c., are set up in some of the places of worship belonging to the Mahápurushyas, no adoration is paid to them except by Bráhmans. To the Sálagram and image of Krishna, offerings of uncooked food are, however, made, by the Pujári, a Brahman,

“ in the name and in behalf of the community. The ‘ Udasins’  
“ are absolutely interdicted all image worship, even of the  
“ Sâlagram, and the reason assigned for this distinction between  
“ them and the laity is that, images or symbols of the deity  
“ on which to concentrate the ideas are required by men whose  
“ minds are distracted by family cares and by indulgence in  
“ worldly enjoyments, but not by those who, if they act up to  
“ their vocation, spend the greater portion of their time in  
“ holy meditation.’

The restraints of caste are not so severe among the Mahapurshyas as among other Hindus. This is owing in part to the tendency of Songkor’s preaching, and in part, to the propagation among them of the doctrines of Choitonyo, which were introduced into the province by certain Brahmîns of Bengal. The Choitonyo school is represented by numerous Chotros and a considerable number of disciples. There are also some few followers of Nityanond, their most important Chotro being that of the Kolabaria Gossain. The Muttock Gossain, or the chief priest of the Moamarias, who came into note in the civil wars that distracted the country about the close of the Ahom suzerainty, is the only teacher of the Shri Samproday school. He is a disciple of Ramanond, and a member of the sect distinguished by the name of Chotur Bhuj. Of all the sects of Voishnobs, the Mahapurushyas seem to be practically the most free from the superstitious prejudices of caste. “ Hindus of all  
“ castes,” observes Captain Dalton, “ are admitted into the  
“ fraternity, and once admitted are, (with the exception of eating  
“ *cooked food* from the hands of a brother whose blood is not as  
“ pure as one’s own), associated with on equal terms by all the  
“ brethren, and there is nothing more remarkable about this sect  
“ than the firmness with which this bond of fraternity is maintained, supporting each other through evil report and good  
“ report, bravely and generously.”

Before closing this brief notice of the Hinduism of Assam, we ought to say a few words about the *Gram-debtas* or *Genii loci*, which, with the masses of the people, are the most popular objects of worship. The worship is based on a superstitious belief in the interpositions of aerial beings, or spirits. The places consecrated to it are *Sthans*. Almost every old village has a *Sthan* somewhere in the neighbourhood, situated in a lovely grove or under a large tree. The only indication of it is a lamp of clay fixed on a platform of the same material. Sometimes it is surmounted by a shed, but this is not usual. As long as men are ordinarily prosperous and no calamity threatens them, they are content with the worship common to the sect to which

they belong; but in seasons of trouble the Gram-debtas are resorted to. When the calamity is general, such as a drought, or a pestilence, or murrain amongst the cattle, the entire population of the village will repair to the *Sthan* and seek by prayer and offerings to obtain release from suffering. The Brahmins and the better informed among the people profess to consider the worship offered to these Genii unorthodox, and it is supposed to owe its chief support to the women, whose superstitious fears are said to be greater than those of the men. We suspect, however, that the women are in this instance burdened with an imputation that by no means belongs specially to them. Certain it is that all Assamese regard high trees and sequestered groves as the haunts of spirits whom it behoves them to propitiate with offerings of leaves and dried branches. It is not unusual to see a heap of these votive offerings accumulated on the way-side underneath some tree of magnificent proportions; and every passer-by is expected to contribute to it.

To the account we have now given of the Hindus of Assam much might be added respecting the different classes of Brahmins to be found there, and the efforts they make to proselytize the tribes of the hills; but we must bring our paper to a close. It will be perceived, however, from what has already been said, that the people of the valley, though Hindus, are not on the whole so hopelessly bound in the chains of caste as are their brethren in Bengal. The reason is that the Brahmins have never gained that utter ascendancy over their understanding and consciences that they exercise in other parts of India. The leaven of Buddhism has never been altogether expelled; and among the higher orders of Assamese, there still lingers something of the old independence of thought, and of the purer influences which it has been the mission of Brahminism to crush out. Brahminism has not had an easy conquest in the country; and in the comparative freedom from 'gods many and lords many' contended for by Songkor and the Mahapurushyas, as well as the laxity that prevails in the matter of caste, we have the remnants of the by-gone freedom of a system which with all its errors is, without doubt, morally superior to the practical Hinduism that prevails around us.

It is in lower Assam more especially, that the sensual element in Hinduism finds scope. It is greatly fostered by the worship of the Kamikhya temple, and however the use of opium may have originated among the people, there can be little doubt that the habit is encouraged by the unholy excitements of this worship. It is notorious that opium, like other narcotics, is in the first instance a stimulant; and in the case of all beginners among

the Assamese, it serves greatly to intensify the excitement of the vile orgies of Kamikhya. Begun under these auspices, the use of the drug gradually grows into a habit, and brings with it its own retribution in the form of early physical decay and decrease of population. The inordinate consumption of opium and the absence of all external inducement to exertion, acting and reacting on one another, have reduced Assam, naturally one of the richest and most productive provinces of our empire, to the condition of a jungle. The indigenous opium has of late years been interdicted by law, and so far the Government has acted wisely. But such action is only negative. It is to commercial enterprises diligently fostered by the Government and increasing the value of land and the expense of living, that we must look for the influence that is to quicken the lethargy of the people, and force them into the competition of the labour-market.

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## THE OPERATION OF THE LAISSER-FAIRE PRINCIPLE IN TIMES OF SCARCITY.

ART. IV.—*Circular of the Board of Revenue No. 12. December, 1865.*

THE Circular quoted at the head of this article is an authoritative exposition of the principles on which the Government "considers itself at liberty to afford assistance in times of "scarcity," and these principles may be fairly described as simply the doctrines of the *laissez-faire* school pushed to an extreme, beyond which not even *doctrinaires*, if *doctrinaires* were kings, could be supposed desirous of carrying them. Beyond spending money on Public Works, nothing whatever is to be done,—this is the sum and substance of the whole.

These principles have now been brought to the rough test of practice, and it has been abundantly shewn by the events of the last 18 months,—by the unanimous verdict of public opinion,—nay, even by the result of the appeal from Philip drunk to Philip sober,—by the confessions of the *doctrinaires* themselves, "wise after the event,"—that the sphere of Government action in times of scarcity cannot possibly be circumscribed by the narrow limits proposed. We have been reminded by one authority that the, "first duty of a Government is the preservation of the lives of its subjects," or, as they say at school, *salus populi suprema lex*. Another gives it as the result of his experience that, in a time like that we have just seen, "all considerations must give way to those of humanity." The *Revue des Deux Mondes* professes its astonishment at the impartial hearing accorded to Sir C. Beadon's explanation of the reasons of Political Economy, which guided him in remaining so long inactive. The judgment of the *Times* is that "no more fearful warning against the danger of entrusting perilous affairs to the hands of *doctrinaires* is afforded by the history of our own times, nor could the grossest ignorance of economical principles have wrought such ruin as this fanatical and presumptuous adherence to them." As Mr. Senior observes usually happens in these cases, people in general, reason-

ing rather with their hearts than their heads, have applied the *argumentum ad absurdum* to the whole *laissez-faire* doctrine, and finding that it has led to so much mischief in practice, do not care to examine into the reasons by which it may be supported. *Solvitur ambulando*,—"whatever may be said for it in theory, "it will not do in practice,"—is the general conclusion.

One cannot help feeling that this is not a satisfactory settlement of the question. In the first place it proves too much. It sweeps the whole non-interference doctrine away at a blow, the sound portions of it (and every one must admit that much of it is sound) together with the unsound, and leaves us with no other guide than short-sighted considerations of humanity,—without any fixed rule of action,—*nullius addictos jurare in verba magistri*,—a consummation most devoutly to be deprecated. In the next place it is a humiliating confession of weakness. It is to admit that the theory does not square with the facts, and yet that the flaw in the theory cannot be detected. In effect common sense says to the *doctrinaire*, "Plato or Ricardo, " (as the case may be) thou reasonest well, so well that I "cannot pick a hole in thy reasoning, though thy conclusions "are certainly wrong." Shades of Aldrich and Burgersdicius, what a confession! Is it not written in the books of Whately and Mill that when the conclusion is wrong, there must needs be either some error in the premises, or some false assumption of facts, some tangible flaw either in the form or in the matter of the reasoning, on which the conclusion is based?

It is often said that Political Economy is a pure science, not an applied science. "The business of a Political Economist," says Senior, "is neither to recommend nor to dissuade, but to state general principles which it is fatal to neglect, but neither advisable nor perhaps practicable to use "as the sole or even the principal guides in the actual conduct "of affairs." If this limited view of the science be correct; if the conclusions are not meant to be acted upon without continual reference to other considerations, then of course the science cannot be blamed, because people have chosen in spite of warning to shape their conduct exclusively by its principles. In this case it is not the principles that are wrong, but those who misapply them. But as generally understood, Political Economy assumes to be an applied science. The most popular expounders of the science, Adam Smith and J. S. Mill, invariably associate its principles with their applications and lay down maxims for practical guidance,— "maxims not deduced from economical premises alone, but based "on other and often far larger considerations than pure Political "Economy affords." If these maxims prove a snare, it must



follow that they are based on erroneous grounds, and in the particular instance of the *laissez-faire* maxim, it would appear, that the error had been committed of establishing a general conclusion from an incomplete investigation, taking no note of such obvious considerations as those of humanity and of the general welfare. And as it cannot shelter itself from criticism on the ground that it is not an applied science, so too the excuse that the science is only "in its infancy,"—an excuse somewhat akin to the favourite Police Court plea "It is only a little one,"—is altogether inadmissible. Infant or not, it arrogates to itself the airs of manhood and assumes to give counsel to legislators and Government.

As before observed, the extreme *laissez-faire* principle enunciated in the Circular has led to most mischievous results in practice; further, it cannot be contended that Political Economists when they laid down this principle did not mean it to be followed in practice, and it therefore behoves us to enquire by what reasoning a conclusion so objectionable is supported, and whether there are not such flaws in this reasoning, as indicate in some measure the extent to which the conclusion must be modified, before it can be relied on as a safe guide in practice.

The principle or conclusion or maxim, whatever it be called, of the *laissez-faire* school which we are now concerned with is this; "that the unlimited unrestrained freedom of the corn trade is the only effectual preventative of the miseries of a famine, and that the intervention of Government either to restrain the license or to supplement the deficiencies of the trade is wrong in principle, and most mischievous in result." And the best way of examining the correctness of this maxim will be to follow the course of reasoning adopted by Political Economists, when they argue in support of it, *viz.*, the course of passing in review the various measures of interference proposed in famine times by unlearned common sense and humanity, and to enquire whether all these measures really do deserve the condemnation which Political Economy bestows on them.

I.—One of the witnesses examined before the Famine Commission stated that he considered the Commissioner of Cuttack "stony-hearted" because he had refused to fix the selling price of grain, and it may be said that it is the general opinion of the natives that Government ought to fix a price on these occasions. Now what are the grounds on which Political Economy condemns this proposal?

Adam Smith states them thus:—"When the Government in order to remedy the inconvenience of a dearth, orders all the dealers to sell their corn at what it supposes a reasonable price

“it either hinders them from bringing it to market, which may sometimes produce a famine even in the beginning of the season; or if they bring it thither, it enables the people and thereby encourages them to consume it so fast as must necessarily produce a famine before the end of the season.”

These grounds seem to be quite valid. The experience of the recent famine alone abundantly proved that the mere rumour of an intention on the part of the local authorities to fix a price was enough to make the *modees* shut their shops, and to divert supplies of grain from the district.

And it certainly tends to encourage the people to consume more largely than the supply will warrant. As Mr. Buchanan observes, “if the supply falls in one year one-twelfth below the average of an ordinary crop, it would, if consumption were to go on at the ordinary rate, be consumed in eleven months, leaving the last month wholly unprovided for. This is only prevented by a rise of price which measures the consumption by the deficiency of the crop.” It is thus that the interest of the dealer leads him to carry out a most useful end which was no part of his intention. So take Adam Smith’s illustration, “when he foresees that provisions are likely to run short, he treats his customers, as a prudent master of a vessel is sometimes obliged to treat his crew and puts them on short allowance. Though from excess of caution he should sometimes do this without any real necessity, yet all the inconveniences which they can thereby suffer are inconsiderable in comparison of the danger, misery and ruin to which they might be exposed by less provident conduct.” Each dealer knows by long experience the average amount of his own customers’ periodical wants, and as no other person can have the same knowledge or the same interest, it is absolutely essential that this most important operation of placing the needful check on consumption in times of scarcity should be left to him.

Persons of common sense will always admit that if the supply of the year be deficient, it is physically impossible that every one should consume as much as he did before, and therefore that it is quite necessary that in years of scarcity there should be a certain rise of price. But looking at the question with the light of nature they stoutly assert that prices always rise higher than is necessary on these occasions. They admit the necessity of prices being raised in the ratio of the deficiency in the supply, but they will not admit that there can be any possible necessity for prices being raised 100 and even 200 per cent, when the crop is only one-twelfth or one-sixth

short. The answer given by Political Economy is that a rise of price merely in proportion to the deficiency would not check consumption to the extent requisite. Rather than resign the necessities of life, or stint their consumption of them, people will pay double and treble. As Adam Smith says, the "desire of food is limited in every man by the "narrow capacity of the human stomach," but in proportion to the narrow limits of the desire is its extreme intensity. Hence in times of scarcity it is always seen that prices rise to an extent out of all proportion to the deficiency in the crop. In Tooke's "History of Prices," it is said that the price of corn in England has risen from 100 to 200 per cent. *and upwards*, when the utmost computed deficiency of the crops has not been more than between one-sixth and one-third below an average.

In further corroboration of his argument against fixing a price, Adam Smith urges that *as it is perfectly impossible for the dealers to combine*, their interests in times of scarcity always coincide with those of their customers, inasmuch as if they raise the price too high, they themselves are likely to suffer the most by this excess of avarice, not only from the indignation which it excites against them, but also "from the quantity of grain which it "necessarily leaves upon their hands in the end of the season, "which, if the next season proves favorable, they must always "sell for a much lower price than they might otherwise have "had." If it were possible for the dealers to combine of course this argument would not apply. In the earliest recorded instance of a famine, that in Egypt, the entire stock of grain was monopolised by the Hebrew Minister, and we are told that the price rose to an extent which was certainly out of all proportion to the necessity of the case, as a portion of it remained on his hands for exportation to his brethren in Canaan. And it is very doubtful whether the large dealers in some outlying districts in this country may not sometimes be able to do business in the same way. Towns may be pointed to in which the whole grain trade is entirely in the hands of one or two *Mahajuns*, even famine prices are of no avail to tempt outsiders to engage in the trade, and one is therefore hardly justified in assuming that combination is an impossibility in India at least, and if the possibility of combination be admitted, it must be admitted also, that it may possibly be the interest of the dealers to maintain prices at an unnecessarily high rate, even at the risk of a quantity of grain being left on their hands.

But although this last argument against fixing a price is not perhaps tenable, yet every one must admit that the two former arguments are perfectly sound, and therefore that it is

plainly a mistake to fix a price from considerations of humanity or any thing else. The measure is one which must defeat its own object and aggravate the evil. But at the same time it is clearly wrong for Governors to go out of the way to proclaim to the dealers that they will be protected in raising their prices as they please, as Sir C. Beadon did at Pooree. Such a declaration is only justifiable, if it is absolutely certain that it can never be the dealers' interest to raise prices beyond the point which is necessary, and this (as has been shown) is a matter far from certain. The fear of grain-riots is a most wholesome check on the dealers, and, though of course they must be put down by the strong hand, yet a word of caution to the dealers not to provoke them, like Lord Napier's in Ganjam, can never come amiss.

II.—Another favourite proposal in times of famine,—how many times did we not hear it in the last?—is that Government should prohibit the exportation of grain to foreign countries. This too Political Economy condemns, but with a degree of hesitation which alone is enough to raise a suspicion of the correctness of the judgment. It is always taken for granted that prohibitions of exportation have been proved to be foolish and wrong, but any one who takes the trouble to examine the proofs advanced will, we venture to say, be extremely surprised at their weakness. Mill's argument is as follows:—"Suppose that in ordinary circumstances the trade in food were perfectly free, so that the price in one country could not habitually exceed that in any other by more than the cost of carriage, together with a moderate profit to the importer. A general scarcity ensues, affecting all countries but in unequal degrees. If the price rose in one country more than in others, it would be a proof that in that country the scarcity was severest, and that by permitting food to go freely thither from any other country, it would be spared from a less urgent necessity to relieve a greater. When the interests therefore of all countries are considered, free exportation is desirable. To the exporting country considered separately, it may at least on the particular occasion be an inconvenience; but taking into account that the country which is now the giver will in some future season be the receiver, I cannot but think that even to the apprehension of food-rioters it might be made apparent that in such cases they should do to others what they would wish done to themselves."

Now it is plain that the validity of this conclusion depends entirely on the truth of the hypothetical premiss. If trade be free, the argument runs, and if the price of grain in the

two countries be habitually nearly on a level, then exportation can only take place when the scarcity in one is severer than the scarcity in the other, and it is expedient to allow it because the exporting country will in its turn obtain a similar relief at the time when its own need is greatest. Its virtue will be its own reward. If the hypothesis be untrue, so also is the conclusion. And a moment's consideration is sufficient to show that, as regards India at any rate, the hypothesis is clearly untrue. For to what countries is rice exported? A portion goes to England where the average price of a quarter, or 6 maunds of corn is 50 shillings, and where in the last ten years the price has been as high as 74 shillings. If we take two Rupees to be the average price of a maund of rice in this country, or say twelve Rupees for 6 maunds or one English quarter, we see at once that prices, so far from being "habitually on a level" in the two countries, habitually differ as 2 to 1. The English average is about double the Indian average price. Hence Indian rice may be exported to England in times of scarcity here, when there is no scarcity whatever in England, and as the English average price is equal to the Indian famine price, it is absolutely certain that India even at the time of her greatest need can never be supplied with grain from England. Then again a great quantity of rice is exported to Mauritius and the Straits, and partly on account of difference of prices, but mainly on account of the production of rice in these countries being very limited and insufficient even for their own consumption, India can never expect to draw supplies from them. They are like the daughters of the horse leech. It is all receiving and no refunds with them,—*vestigia nulla retrorsum*. There remain our native neighbours, Siam, China, and the rest. In their case probably prices are about on a level with Indian prices, but the trade is not free. Unfortunately for India, Political Economy is not much studied in those quarters. On the first symptoms of a scarcity His Majesty of Burmah and his compeers stop exportation, and India cannot therefore count with certainty on relief in that direction. The upshot is that Mill's argument will not apply to this country. Our virtue will most certainly not be its own reward; and most certainly it is not expedient to starve ourselves to feed other countries, some of which lack the ability and others the will to requite our self-devotion.

Adam Smith admits that it may sometimes be necessary for a small country to prohibit exportation, but thinks that a large country must needs have such expansive resources within its own limits, that its supply can never be sensibly affected by any

amount of exportation which is likely to take place. "In an extensive corn-country, between all the parts of which there is a free commerce and communication, the scarcity occasioned by the most unfavourable seasons can never be so great as to produce a famine. \* \* \* \* Even in rice countries the drought is scarce ever so universal as to occasion a famine." And in illustration of this, a passage in Gibbon is cited by McCulloch. He says;—"Those famines which so frequently affected the infant republic were seldom or never experienced in the extensive empire of Rome. The accidental scarcity of any single province was at once relieved by the plenty of its more fortunate neighbour." Adam Smith sums up his argument thus :—"The unlimited freedom of exportation would be much less dangerous in great States in which the growth being much greater, the supply could seldom be much affected by any quantity of corn that was likely to be exported. In a Swiss Canton or in some of the little States of Italy it may sometimes be necessary to restrain the exportation of corn. In such great States as France or England it scarce ever can."

If indeed exportation caused only such a trifling reduction of the supply as is here supposed, we are free to admit that it would not be worth while to prohibit it. But what are the facts? The returns of the external commerce of Bengal for the official year 1864-5, abstracted in "Indian Annals," show that the value of the rice exported from the five Bengal ports alone in that year was no less than 4 crores 90 lacs of Rupees or nearly £ 5,000,000. The actual quantity is not given, but supposing the price to have been Rs. 2 a maund, the quantity exported must have been about 24,500,000, twenty-four and a half millions of maunds. On the same computation the amount exported in the previous year 1863-4, was 12,000,000 twelve millions of maunds. In the return for 1866-7 the amount exported in 1865-6 is given at 7,500,000 seven and a half millions, at an average price of nearly Rs. 3—8 a maund. In 1866-7 the amount was 4,500,000 four and a half millions of maunds, when the price was about Rs. 4—8 a maund. Again in the Burmah trade return for 1864-5, it is said that in Pegu the exportation of rice was unprecedented, owing to two causes, a scarcity in the eastern provinces of China, and a short crop in Siam on account of which the Government of that country prohibited the export of grain. "Rice at Rangoon rose full 100 per cent. in advance of the usual prices. In Arracan the shipment of rice in the year 1863-4 had been so heavy that not only had the crop of that year been sent away, but also all the spare grain which was in store. When the demand from

"the Straits and China came, the supply fell short of the requirements. Many ships had to leave Akyab without obtaining a cargo. The result was an unusual rise in the price of grain."

In the face of these facts it is simply fatuous to contend that the grain supply of a large grain-producing country cannot be sensibly affected by exportation in times of scarcity. How can it be seriously contended that this vast drain of food, during the very height of the famine did not materially diminish the supply and aggravate the calamity? To say nothing of the *exhaustion* of the stocks of previous years, which is reported to have taken place in British Burmah, in the year 1866-7, when people were perishing by thousands, the enormous amount of 4,500,000 maunds was carried away from Bengal alone, a quantity according to Colebrooke's estimate sufficient for the entire annual maintenance of nearly half a million of people. The utmost amount of rice that could be collected by the charity of the entire Presidency and the most strenuous exertions of the Government was a mere drop in the ocean, compared to the vast amount suffered to be drained away by the unchecked license of trade.

The fact is that exportation of food to the enormous extent which it has now reached in Bengal, must even in ordinary seasons be more or less of an evil to the poorer classes. It must affect the supply and raise the price even in years of plenty. The argument for allowing free exportation of grain is that it enables the consumer to get the article imported in return for it cheaper than he otherwise would do. But suppose he does not use the imported article? What compensation to the coolie are cheap yarn and piece-goods for a rise in the price of food? As remarked by some sagacious traveller, the coolie is a most naked person and to offer him well-woven cloths at the cost of a rise in the price of rice is to give him a stone when he asks for bread. Professor Fawcett observes, "it is quite possible that the labouring classes of a particular country may suffer very severely, if the exports consist of articles more generally consumed than those which are imported." If excessive exportation causes this inconvenience to the poorer classes even in ordinary seasons, surely the injury it works in times of famine must be extreme indeed.

There is no use in blinking the fact. The interests of the traders may be and in reality very often are opposed to those of the poorer classes—the main body of the people. This opposition of interest which leads them to export an amount of grain which is excessive even in ordinary seasons,—this same opposition of interests which recently cropped out in the truly shop-

keeper proposal to raise the salt tax in order to save commercial pockets,—a tax of which Adam Smith writes, that when it has grown up beyond a certain height, it is “a curse equal to the “barrenness of the soil and the inclemency of the heavens,”—this same opposition of interests comes to its utmost pitch in times of famine, and in such times at any rate Government ought to recognise its existence and to restrain it from doing a serious injury to the mass of the people.

The question of free exportation of grain in times of scarcity is not a question affecting only the interests of some particular class. It affects the interests of the main body of the people. We do not advocate restrictions on trade in the interest of any local industry, but in the interest of all. It may be, that the interest of particular classes such as the muslin-weavers of Dacca, the cloth-weavers of Jehanabad, the salt-manufacturers of Cuttack and Chittagong, and the saltpetre-manufacturers of Behar were rightly sacrificed to the genius of free trade. But in the case under review, the restriction is demanded in the interests of the great majority of the people.

It is said that the *onus* of making out a case for Government intervention always rests on those who advocate it. We accept the challenge and ask whether the case is not made out? Even on the principles of the *laissez-faire* school, Government is held to be justified in interfering with the conduct of private persons, when that conduct is plainly injurious to the interests of the community at large, and that this enormous drain of food during a famine was not thus injurious, no candid economist will assert.

Statesmen are often commended for being “in advance of the “age.” In this instance we think it would be better if they were behind it. One of the statutes of Charles II prohibited the exportation of wheat when the price exceeded 40 shillings the quarter, and a similar regulation would be extremely useful in this country. The arguments against such a prohibition, as regards this country at any rate, will not hold water, and the Government which should confer this boon on the country, could well afford to despise the appeal to illogical “principles” raised only by interested sciolists.

The present low export duty of 3 annas a maund is no check whatever on exportation. Like Job’s prescription of potshreds for boils, it simply aggravates the enemy without diminishing his ravages. But it is, *pace* Sir S. Northcote, a step in the right direction.

III.—Of the proposal that Government should import grain from other countries in times of famine, Mill observes as follows:—





experience has shewn that even famine prices are not a sufficient attraction to create one, at least to any thing like the extent required. Colebrooke observes, that "except in cities, the great bulk of the people is everywhere subsisted from the produce of their own immediate neighbourhood." If that produce runs short, there is in the outlying districts no existing import trade to supply the deficiency, and very little prospect of such a trade springing up. Hence the enormous difference of prices occasionally seen in adjacent districts. Colebrooke states an instance of rice being four times dearer in one *Zillah* than in the adjoining one. In his report on the famine of 1860, Colonel Baird Smith writes:—"So miserable are the means of intercommunication in many of those districts,"—and he might have added, so weak is the spirit of competition,—"that while in one Bazaar famine prices of  $1\frac{1}{2}d.$  per pound might be ruling in another not thirty miles off the price would be under  $\frac{1}{2}d.$ , yet no flow from the full to the exhausted market took place." The difference between Cuttack and Calcutta prices in the recent famine was equally great. Capital flows with such difficulty from one province to another and even from district to district, that one is almost compelled to regard each district as a separate country.

Considering these great differences of prices in districts so near together,—phenomena so contrary to those which Political Economy would lead us to expect,—we are almost tempted to the conclusion that, just as in Astronomy the attraction of solar gravitation decreases as the square of the distance, so too the force of competition must decrease in some hitherto undiscovered ratio to the distance from great centres of commerce, and that we can no more presume on its operation at great distances from those centres, than we can presume that solar gravitation exercises any sensible influence on the eccentric course of a comet, when removed to some indefinitely distant region of the universe, far beyond the limits of the solar system.

The great error committed in the recent famine was in presuming on "concealed stores" in the hands of the dealers,—presuming that high prices would attract importers,—presuming in fact on the existence of a trade, when there was none and no likelihood of its springing up. As Sir C. Beadon admits, sufficient advertence was not given to the isolated and inaccessible situation of Orissa. The mistake arose, as the Governor-General put it, from "*want of perception*." The remedy is as patent as the evil. At present Collectors have no machinery whatever for ascertaining the statistics of their districts. Scarce a week passes but they are called on to report as to th

crops, the rain-fall, prices, the out-turn of particular staples, population, timber, in fact *de omnibus rebus et quibusdam aliis*. The employment of the Police to collect statistics is very properly discouraged,—the village accounts are abolished,—Collectors themselves are tied to the Sudder station by *mashcobars* and rent appeals, so that unless they can gather a few stray hints from Zemindars, they are reduced to the alternative of relying on the fertile imagination of the *Nazir*, or, German fashion, of evolving the statistics required out of the depths of their own internal consciousness. It is simply a case of making bricks without straw. Reorganise the *Putwarries*,—Require them to send accounts of all the crops in their villages, of the quantities of grain offered at the *hats* and the prices,—Require the Excise Officers to keep account of exports to other districts,—Relegate rent suits to the Civil Courts, transferring execution of all decrees to the Collector,—Make the Collector the sole executive of the district;—and the result would be that Government would have correct and abundant information of the real state of things to go upon, instead of the “systematic misinformation,”—the laborious folly, of the present guess-work returns.

Mrs. Malaprop happily described Cerberus as “three gentlemen in one.” Cerberus was considered a most remarkable specimen of animated nature in his own day, but he could not hold a candle to the present Magistrate—Collector—Registrar—Municipal Chairman—Jail Superintendent—Police Super-Superintendent—Judge of Rent Suits—Defendant in Government Suits—Superintendent of Roads—Post-Master—Guardian—Commissariat—Surveyor—Accountant—Reporter in ordinary. This phenomenon is a standing instance not of three but about a dozen gentlemen in one. Collectors must of course always discharge many and multifarious executive duties, but there is no reason why they need be rent suit judges as well. When the old summary procedure of *Huftums* and *Punjums* was abolished in favour of the regular procedure, the whole ground and reason of making Collectors rent judges was altogether swept away. With all this mass of multifarious duties, judicial as well as executive, on their shoulders, how is it possible that they now can do otherwise than “see with their ears,” (as the natives say),—how is it possible that the statistics gathered by this distorted vision can be anything but a delusion and a snare?

IV.—It is a very general opinion among natives of reflection, that the very great increase in the production of cotton and the other richer staples, which has recently taken place, has injured this country by decreasing the area formerly allotted to the production of food, and they therefore think that Government ought

in some measure to restrain the cultivation of these richer crops. This is an opinion so opposed to ordinary English notions, that not one man in a hundred perhaps thinks it worth attention. Like the green grasshoppers and the scented beetles, the minds of even uncommercial readers are apt to take their colour from the intensely commercial journals which in this country form their daily mental *pabulum*. Insensibly imbued with the views of a nation of shop-keepers, we are too apt to look only to the interests of traders in these matters, and to take for granted that the country needs must be advancing in prosperity, so long as its "resources are being developed," and the trade returns show a higher total of exports and imports year after year.

The opinion above quoted is not confined to natives of this country. When Dr. Forbes pressed the encouragement of cotton cultivation on the Pasha of Egypt, he replied;—"Prices alone will prove a sufficient stimulus without any effort on my part, but God forbid that I should ever see the abandonment of the ordinary succession of crops for the production of cotton to the exclusion of those products on which we subsist." And it would seem that the Pasha's fears have proved well founded. Mr. Stanley, the Consul at Alexandria, as quoted in the *Friend of India*, states that in consequence of the great increase in cotton cultivation, Egypt, which had ever been a large exporter of grain, had to seek food from other countries. Grain became excessively dear. In some places in the interior famine ensued. Wages and the price of land were quadrupled. An excessive luxury sprang up, and that not of a nature to benefit the commercial world without, being displayed chiefly in a demand for slave girls, costly pipes, and other such appliances.

It appears to be perfectly clear from this, that the great advance of cotton cultivation in Egypt has trenched unduly on the area reserved for corn, and has thus proved mischievous to that country. But the case of Egypt is hardly parallel to that of India. The tract of culturable soil in the valley of the Nile is comparatively small, and from the arid sandy nature of the adjacent desert cannot be much, if at all, extended. Whatever land therefore in Egypt is laid down in cotton is so much lost to corn. But here in India there are vast tracts of culturable land yet lying waste,—“the margin of cultivation” may be indefinitely extended for years to come,—and as a matter of fact many of the new staples, such as the tea of Assam and the Hills and the coffee of the Wynaad, are cultivated on land hitherto waste. The cotton, indigo and opium of Tirhoot and Behar certainly occupy lands which might otherwise be devoted to the winter crop of pulses and the autumn crop of Indian

corn, but on the rice lands they do not trench at all, and probably the same holds good of the Central and North-West Provinces. On the whole then it does not appear that there is any valid ground for the belief that the area of grain-producing lands has been injuriously trenched upon by richer staples.

No doubt, as stated in the Circular, the high prices now obtained by cultivators for their richer products, (in those cases at least in which the best part of the price does not stick to the fingers of the *Mahajun* who advanced for the crop,) must prove in great measure a compensation for the increased cost of living, due to the depreciation of money which has resulted from the recent vast flow of silver into the country in consequence of increased exportation and the execution of great Public Works. But the question whether the condition of the poorer classes has been improved by the "development of the resources of the country,"—whether the labourers with their present high wages can command the same amount of the necessities and conveniences of life, which their grand-fathers were able to purchase with the slender pittance given 60 years ago,—is one that is open to very great doubt. Colebrooke, writing about the beginning of this century, states the price of cleared rice to have been only 12 annas a maund, and sometimes only 8 annas, while the price of pulses was rather lower. If wages have risen since that time, in proportion to the subsequent increase in the price of grain, it is quite as much as can be said. Then again if we look to the consumption of salt, we find from the last Salt Report that the consumption in 1864-5 was between 8 and 9 million maunds. Colebrooke states that the actual sales in 1793 amounted to 3,500,000 maunds and he estimates the consumption in Bengal and Behar alone at 4 millions of maunds. Hence it appears that notwithstanding the addition of the provinces of Orissa and Assam, since the time of which Colebrooke writes, and notwithstanding the increase in population which may be supposed to have taken place in the last 60 years of peace, the consumption of salt in the Lower Provinces has done little more than double itself since Colebrooke's time. So that it is very doubtful if the labourer can now afford to indulge himself much more freely in salt, that he could at the commencement of this century.

V.—The panacea for the evils of famine prescribed by the Circular is expenditure on Public Works and of this it may be said that if the labourers are paid in money, the remedy is of no use at all. The only effect is to force the price of food up still higher until the poorest competitors have no longer the means of

competing. Expenditure on Public Works can only be of service when the labour is paid for in grain, and in grain imported from elsewhere, not subtracted from the local markets.

In conclusion we will quote once more an oft-quoted passage of Adam Smith :—" The laws concerning corn may everywhere be compared to the laws concerning religion. The people feel themselves so much interested in what relates either to their subsistence in this life, or to their happiness in a life to come, that Government must yield to their prejudices, and in order to preserve the public tranquillity establish that system which they approve of ;" and *a fortiori* should the popular "prejudice" be yielded to, when, as in the question of exportation of grain, there are strong grounds for believing it to be not a prejudice but the truth.

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## ART. V.—SIR CECIL BEADON'S ADMINISTRATION OF BENGAL.—(Continued.)

IN the former section of this article we dealt only with the one most prominent portion of Sir Cecil Beadon's administration,—his conduct in regard to the Orissa famine. Since that was written, the account of the debate on the subject in Parliament and the articles in the leading English papers have been received in this country, and though these verify the assertion then made that the public would see how much others also were to blame in the matter, they have in no respect modified our opinion as to Sir Cecil's own responsibility. Our opinion still is, as it was then, that the Lieutenant-Governor laboured under two all-important misconceptions, first as to the quantity of grain in the province, and secondly as to the capacity of the local trade to supply the deficiency; that these misconceptions were shared by the Government of India, (though not, as we understand, by the Viceroy personally, who on this matter was over-ridden by his Council,) and that the facts which would have prevented or removed these misconceptions were not brought to Sir Cecil's knowledge till May 1866. That the Government of India was responsible equally with the Government of Bengal we do not assert, but their responsibility differed only in degree and not at all in kind. Their manner of dealing with the question, and their treatment of the subordinate Government have been vigorously and acutely examined in an article published in the *Fortnightly Review* and republished here in the *Englishman*, and we need not pursue the subject further in this place. For the rest we may refer any readers, who have still an interest in the matter, to two articles in the *Saturday Review* in which a minute historical analysis of the proceedings of Government in respect to the famine is given, and in which the writer comes to the conclusion that the main burthen of responsibility rested with the Board of Revenue, and that, had all the other elements in the problem remained the same, the famine would have been understood and mitigated, had it not been for the position taken up by them.

It was unfortunate perhaps for Sir Cecil Beadon that previous to the commencement of the famine he had lost much of his

popularity, and been brought into a position of antagonism with a portion of the Press on the subject of the Bhootan war. For the circumstances which led to the war he was no doubt responsible, inasmuch as he advised the despatch of the mission, the outrageous treatment of which rendered war unavoidable. The circumstances which led to the despatch of the mission, the difficulties it encountered and the insults offered to it by what is called the Government of Bhootan, have already been narrated in the pages of this *Review* (August 1864) and we need not again go over the same ground. Suffice it to say that action of some kind was rendered necessary by a series of outrages of unparalleled audacity, such as no barbarous tribe ever before offered to a strong Government, and assuredly such as no strong Government ever before submitted to so long, or so quietly. Whether, after years of masterly inactivity, a mission to Poonakha was the best course of action, or whether retaliatory incursions and the immediate annexation of the Doars would have been wiser, may be doubted. The main reason however which led Sir Cecil Beadon to prefer the former course, was a not ill-grounded belief that the outrages of which we had to complain were the work of frontier officials, unauthorised by the central Government of Bhootan, whom it was supposed our complaints never reached. Events have shown that the central Government was practically a myth, that it was in fact nothing but organised anarchy, and that if the Mission was unable to take with it an adequate escort, it would have been better not to have despatched it at all. But this does not touch the question of Sir Cecil's policy in originally advising the despatch of the Mission, with the details of which moreover he had nothing to do. His policy was directed by a desire to vindicate the rights and honor of the Government, and at the same time by a desire to be strictly just in his dealings with a weaker neighbour. For the conduct of the war and the disaster of Dewangâri, Sir Cecil was in nowise responsible. He was an adviser whose advice was by no means always followed, but he was made to bear the burden of the blame for the failure of measures which, if adopted in accordance with his advice, were adopted under conditions which he never would have advised and over which he had no kind of control.

It is however certain that this war, and the consequent attack upon Sir Cecil by a portion of the Press tended considerably to diminish his popularity, and it is probable that the bitterness, virulence, and patent injustice of some of these attacks may have had their natural effect in making him less ready to listen to advice from the same quarter and inclined to treat newspaper comments





in Council that their dealings with their coolies are characterised generally neither by cruelty nor unfairness, and that whatever failings are brought to light by a long detailed report such as that of Dr. Meredith, the Protector of Labourers in Northern Assam, are the failings of ignorance and not of evil intention. Nevertheless, however much we may have advanced, and however well disposed the two classes may be towards each other, the antagonistic tendencies remain; check and counter-check are still necessary, and we should be sorry to trust to either party altogether without the control exercised over it by the other.

It follows from this permanent antagonism of tendencies and interests, however modified and softened in actual practice, that the Press must make itself the exponent either of one set of interests and feelings or of the other. A paper cannot successfully serve two masters, and as officials are neither sufficiently numerous, nor sufficiently homogeneous in interests and opinions to support an organ of their own, the newspapers of this Presidency gravitate as a natural consequence towards the support of the non-official ideas and interests, and in times of excitement this support culminates in violent attacks on the principal representatives of the other party. The best way, in fact the only way in which a despotic Government like that of India, that allows unlimited freedom of the Press, can meet this tendency is by establishing an organ of its own,—a *Moniteur* which, if its accurate information would not enable it to pay commercially, would at least afford Government an opportunity of giving their views to the world in a readable form, and of getting a fair hearing for their side of the question. The “dignified silence” of Government would then become as it ought to be a tradition, and a very absurd tradition, of the past. It was, we believe, once proposed to establish such a paper, but the Supreme Government objected to its being established by the local Government and did not care to undertake it themselves. Failing this, the next best way of meeting hostile criticism is for Government to place all official correspondence, with the single exception perhaps of that relating to personal squabbles, at the disposal of the Press, and so to ensure to it the opportunity, even where they doubt its desire, of giving to the public a correct version of all public transactions, and of the arguments on which all important measures are based. This is, no doubt, done to a certain extent at present, and we believe it was Sir Cecil Beadon’s desire to develop the practice to a very much greater extent, but the complaint of the Press still is that

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information is afforded to them in dribblets, and that what is given is both insufficient and too late.

The criticism which has been brought to bear on Sir Cecil Beadon's policy in connection with the tea interest in Assam, is a striking instance of that "law of gravitation" which we have above applied to the Press of Bengal. We have already adverted to his tour through the Assam district in his first year's tenure of power, and to the hopes to which that tour gave rise. Throughout his career as Lieutenant Governor, Assam and the development of the tea interests received his closest attention and most active and hopeful encouragement.

His interpretation of the waste land rules, which was the most liberal that they would allow, his perilous relaxation of the rule requiring survey as a necessary preliminary to a grant of waste land, his substitution at a later period of cultivation leases by which any applicant could get a grant for 30 years, with an unimpeachable title to renewal at current rates, and without the annoyance and injustice to pioneers, which the preliminary auction required by the waste land rules entailed, and his still more recent order allowing payments made on account of one or more lots, to be transferred to credit of another lot at the option of the holder, so as to save what was of value to him, and to allow him to return on the hands of Government what he could not profitably cultivate, all show how thoroughly in earnest Sir Cecil was in endeavouring to smooth the way to Tea planters in Assam, Cachar, and Sylhet, to the utmost of his ability.

We are now told that his neglect of Assam and his injudicious legislation combined, have caused the ruin of this great and promising industry. In support of this statement it is pointed out that shortly after the first Labor Transport Law of 1863 was passed, the expense of importing laborers from Bengal rose, till it reached the prohibitory height of about 80 Rs. per man, (Rs. 60 without passage money,) and this statement is we believe correct. But the argument involves the old fallacy of *post ergo propterea*. The fact is that shortly after the passing of that Act, tea speculation took the form of a mania, and the competition for laborers became so intense and extravagant, that the contractors obtained whatever price they liked to ask for imported coolies. It was competition, not legislation, that raised the price of coolies,—and the proof of this is to be seen in the fact that now the competition having slackened, while the law remains precisely the same, the cost has come down to about half what it was in the years of frenzy 1864-65.

The best vindication that can be offered of Sir Cecil's policy in regard to these Labor Transport Laws is to give a brief history of the successive legislation on the subject, and of the grounds which led him to deem such legislation necessary.

The origin of these laws is thus described in the Administration Report of the Bengal Government for 1861-62.

"The system under which the Tea-plantations of Assam and Cachar are supplied with laborers from Bengal has attracted

Emigration of Coolies "the serious attention of Government  
to Assam and Cachar. "during the year. It was reported that

"in almost every shipment of laborers  
"from Calcutta a fearful amount of mortality occurred from  
"cholera and other diseases during the journey. In one case  
"the mortality was said to have reached even to 50 per cent.  
"From enquiries which were made, there seemed to be too much  
"reason to believe that this fearful mortality was attributable  
"chiefly to great want of foresight and care in the despatch of  
"laborers, especially in the river steamers. A committee of  
"gentlemen of much experience in the working of the Emigra-  
"tion Department was accordingly appointed to report upon the  
"arrangements in force for importing laborers into Assam. The  
"opinion at which they arrived after careful enquiry was, that  
"Coolies were shipped in large batches without any arrangement  
"to secure order and cleanliness; that uncooked food was issued  
"without cooks to prepare it; that the medical charge of the  
"Coolies in many cases was left to ignorant *Chupprassees*, who  
"were entrusted with small supplies of medicine, with the uses  
"of which they were of course as ignorant as the men to whom  
"they administered it: in other cases unqualified medical  
"officers were sent in charge; laborers were embarked in some  
"instances almost in a dying state; over-crowded flats were  
"lashed to steamers day and night, and the Coolies on board  
"were thus deprived of their only chance of free ventilation.  
"The committee found that there was no uniformity of system  
"in the despatch and recruitment of Coolies; laborers, in  
"most cases, were provided by native contractors at so much  
"per head; practically the supply of laborers was, they found,  
"an ordinary commercial transaction between a native contrac-  
"tor and the Planter, 'all parties considering their duty and  
"responsibility discharged when the living are landed and the  
"cost of the dead adjusted.' There appeared to be no specific  
"engagement on starting between employer and laborer,—a  
"state of things which opens road to an immense amount  
"of false statement and exaggeration on the part of the native  
"recruiters. They found an entire absence of any efficient

“ medical inspection of Coolies before shipment, and even  
“ when the men were inspected by the Planter’s agents, feeble  
“ and sickly persons were, it was believed, substituted for the  
“ healthy men accepted and passed,—persons at the point of  
“ death having been known to be sent on board. There was no  
“ inspection of the boats employed. The depôt of a native con-  
“ tractor is thus described by the committee. We found little  
“ trace of any habitation, but a square of ground was pointed  
“ out to us, in the neighbourhood of Fenwick’s Bazar, as Tha-  
“ koor Lalla’s depôt ; and a hut, a few feet square, only now in  
“ course of completion, was said to be the sole accommodation.  
“ This square resembled rather the half-dried bed of a small  
“ tank, greatly defiled by the surrounding people, than anything  
“ else that we can compare it with. A spot more repulsive to  
“ sight and smell we could not imagine ; and having assured our-  
“ selves beyond all doubt that the contractor’s laborers did really  
“ congregate here, we felt no surprise at the stories which we  
“ heard of the numbers that yearly fall victims to disease in his  
“ hands. We found no person in this place who would acknow-  
“ ledge any connection with Thakoor Lalla, nor any sort of  
“ preparation for the reception of human beings, except the hut  
“ above-mentioned ; and we were forced to conclude that the  
“ proprietor, having heard of our intended visit, had removed  
“ all that belonged to his depôt from fear of more damaging  
“ disclosures.”

The consequence of this was that a draft Act was drawn up in communication with a gentleman who ably represented the planting interests (Mr. C. B. Stewart,) and finally Act III B. C. of 1863 became law. The Act provided for laborers proceeding to the Tea-districts being brought at several stages under the observation of officers of Government, for contractors and recruiters being licensed and controlled by a Superintendent of Labor Transport, for the inspection and control of depôts, for the terms of the laborer’s engagement being distinctly explained to him and his name registered before a Magistrate, for the contract being attested and registered by the Superintendent, for the licensing and victualling of steamers and boats carrying parties of laborers, for the landing of laborers under the supervision of local officers, and for their reception on landing.

This law took the Coolies to the district which was to be his destination, and left him there. It was soon found that modifications would be required, and more especially it was found necessary to provide protection for the planter against breaches of contract and desertion by his imported laborers. The law,

as it then stood, made imprisonment terminate the contract, and the result was that desertion was practised with impunity. On the other hand it was asserted that laborers were frequently inveigled into contracts by fraudulent representations on the part of recruiters, and that, owing to the vague nature of the schedule of task-work attached to the contracts, they really earned less in the tea-districts than they could have earned at their own homes. The absence of any attempt to keep a register of Coolies at many gardens was also brought to notice, for where there was an enormous proportion of Coolies in some gardens unaccounted for, it became impossible to tell how far this was the result of mortality, and how far of desertion.

Some individual instances of great brutality on the part of Planters in Cachar had about that time been brought to the notice of the Government and the public, and this was no doubt one of the grounds on which the appointment of Protectors of Laborers was decided on.

These considerations led to the passing of Act VI B. C. of 1865, which secured to the labourer a minimum rate of wages, provided for the appointment of Protectors, and for the periodical inspection by them of Tea-estates and for the submission of their inspection reports to Government. On the other hand it rendered a breach of contract punishable criminally, and provided at the same time for the completion of the contract. It also imposed on Planters the necessity of keeping up registers, and of providing proper hospital accommodation for their Coolies. This law has been found not to work so smoothly as was anticipated. The power of inspection given to the Protector of Laborers will be harmless, useful, or mischievous, according to the qualities of the person who exercises it. In one case there can be no doubt that this power has been eminently useful, and in another eminently mischievous. An official enquiry on this point however was ordered, and the result has now been made public. We may however observe, in passing, that it was characteristic of Sir Cecil to refuse to sacrifice the official complained of without an enquiry, though he must have felt how much odium he was incurring through him, and though his own unfortunate letter of ten years back rose up in judgment against him to show that he had been deceived in making the appointment. Apart from this particular instance however, the only way in which Act VI of 1865 appears to have worked really badly is in regard to the minimum rate of wages. No one will say that Rs. 5 a month is too high a minimum to be given to a Coolie in Assam, but the law appears to have been interpreted as

necessitating the payment of this amount to the Coolie, whether he worked or whether he idled. The intention of the law no doubt was that the schedule of taskwork should be so framed that no Coolie should get less for 30 days' full task than Rs. 5. But this interference in the rate of wages is in principle objectionable, and with the best intentions is sure to produce more harm than good. That the Government had no choice when they had once undertaken to regulate the relations between the labourer and his hirer, may be true. To commence legislating for the benefit of either is sure to be followed by further legislation for the benefit of the other party—till checks and counter-checks innumerable grow up, each party gets exasperated with the other, and both with the Government, and all heartily wish paternal legislation at the antipodes! When Mr. Peterson, speaking in the Bengal Council on the newest of all Labor Transport Bills (we have only had three in four years) said that there had been already a good deal too much of "this legislation in leading strings," he said what was perfectly true and what the new Bill seems dimly and faintly to recognise. The criticism of one of the Calcutta journals on this Bill was that the best thing its apologist could find to say for it was, that it provided for a large proportion of laborers being exempted from its provisions. The criticism was not unjust. It is the very best feature in the Bill, as it loosens the leading strings to a great extent, and opens the way for a further loosening hereafter, but the same criticism might be applied to other things. It is perhaps the truest thing one can say of doctors, that happy are those who have had nothing to do with them, but this only shows that doctors, though an evil, are a necessary evil.

Coolie legislation has, we admit, been an evil from the beginning, but with such a state of things, as that described in the passage above quoted, existing in contractors' depôts and on the voyage, and with Dr. Meredith's report before us, showing even now an average mortality on the plantations under his supervision of about 20 per cent. with a maximum of between 50 and 60 per cent., who shall say that legislation has not been infinitely the lesser of the two alternative evils, in fact an evil as necessary as doctors to the human race?

The bill introduced under Sir Cecil's directions into the Bengal Legislative Council in February of the present year, would, if passed into law, have brought about several important changes. In our opinion the most beneficial of these changes was the one which allowed parties of not more than 20 to proceed to the tea-districts without being brought in any way under

the Labor Transport Laws—thus enabling Tea-Planters to recruit by means of old garden Sirdars, and placing the men on their arrival at the plantation exactly in the position of local laborers. The bill provided certain other changes such as the abolition of the minimum rate of wages, which, as we have before explained, was founded on erroneous principles, and was then further muddled in practice; the alleviation of the terms on which a contract laborer could purchase his discharge; the permission to the laborer to take his weekly holiday on the market day, which was all important to him, instead of on the Sunday, which was nothing to him,—a change by the way which was denounced by the *Friend of India* as the “abolition of the Sabbath by the Bengal Government!” The bill also provided certain minor restrictions on the power of the protector and changed his title to inspector of laborers, and all these changes, so far as they went, were indisputable and obvious improvements. There was, however, one change proposed, against which Sir Cecil protested in vain, but which was introduced into the bill at the direction of the Governor-General in Council. This change was no less than a total reversal of the previous action of Government, and a return to the old state of the law, under which the imprisonment of a laborer for desertion *ipso facto* terminated his contract and rendered him a free man. The period of this imprisonment was fixed at three months. In introducing the bill it was explained on behalf of the Government of Bengal that, in reply to all the objections to be urged against this clause, there were only two to be urged for it—one, the helplessness of the coolie, which would be obviated if the officers of Government did their duty, and the other, the *sic volo, sic jubeo* of the Viceroy, an argument which was quite unanswerable. Sir Cecil quitted office while the bill was going through Committee, and the Council under the present Lieutenant-Governor ultimately rejected the clause, but proposed what seems a most fair substitute, that if the coolie accused of desertion could show to the Magistrate good and reasonable cause, such as fear of ill-treatment or sickness, he should not be deemed guilty—thus preventing the punishment of any deserters but perverse and wilful malingerers. For the sake, however, of these, and of these alone, his Excellency vetoed the bill, and declaring it to be his policy to make the planter so treat his coolie as to prevent any desertion, rejected for the sake of this hopeless phantasm all the solid advantages which the bill offered to both parties. We call the aim of the Viceroy a hopeless phantasm for these reasons.



A planter imports (say at the expense of Rs. 40 a head) a batch of 50 coolies. They earn with him on an average Rs. 5-6 to Rs. 6 a month. Local labourers earn more—say from Rs. 6 to Rs. 7 a month. Now putting apart such motives as home-sickness, unhealthy quarters, dislike of his master, desire of change, or mere caprice, all of which are powerful inducements to a labourer to desert, if these men choose to desert and go through their three months' imprisonment,—a punishment which entails no disgrace, and ensures moderate comfort to them,—then all these who had contracted to serve for three years are free—they are local laborers,—they can go to fresh service, where they will receive after their three months of comparative idleness in jail a *bonus* of Rs. 10 or Rs. 12,—higher wages than they were getting before—and this moreover on a monthly instead of on a protracted term of service. Is it reasonable to suppose that any treatment which a planter, who has paid Rs. 40 per head for the importation of these men, can possibly afford to offer them, will suffice to counterbalance the temptations on the other side? The idea seems to us palpably absurd, and the proposal nothing less than a huge premium on desertion. Happily this is not the law at present, but it is in order to make this the law, in order to secure this most preposterous result, that the real and solid advantages which the present bill offers are rejected, though at the same time even this aim is not secured, because the new bill being vetoed, the old law remains in force, and thus the deserting coolie at the end of his three months' imprisonment is left with his contract undetermined, precisely in the condition in which he was before. This may be statesmanship, but it reminds us strongly of the statesmanship of that sagacious animal who relinquished the bone which he held in his mouth, in a futile attempt to grasp its shadow in the water.

On the subject of this Labor Transport legislation, we need only add, that Sir Cecil applied in February last to the Government of India to have a Commission appointed to enquire into the causes of the decline of the tea industry and also into the whole working of the Labor Transport Acts. The Commission, which was for the time refused, is now, we understand, to be appointed, and to commence its labors with the cold weather. Should the decision of the Commission be that the time has come when the safeguards of these Labor Transport Laws can be safely dispensed with, we shall be surprised, but most agreeably surprised—for no one would rejoice more than ourselves to get rid of all such exceptional legislation from the statute-book,—but we do not doubt for an instant that the result of the Commission will be to

make it clear that in the first instance this legislation was not only beneficial but absolutely necessary. There is however a further measure which may not impossibly result from this Commission,—the separation of Assam from Bengal, and the erection of a distinct administration for the N. E. Frontier Provinces. One of Sir Cecil's last public utterances, before leaving the country, was that Bengal had not an administration adequate to its wants, and though the care and attention which he gave to Assam were far greater than it had ever received before, and though during the five years of his tenure of office, its administration was greatly improved and its officers put on something like an equal footing with those of other parts of India, yet he would be the first to confess, in fact he has freely admitted that the province is woefully backward, that its administration at such a distance from the Head Quarters of the Bengal Government is essentially lacking in vigour, and that the sums expended on it for roads and public have hitherto been cruelly insufficient for its wants.

It is however a very common and frequent error in criticising Indian administration, to forget how essentially poor a country India is. A poor country cannot be administered as efficiently as a rich one, and people mentally contrasting Indian police with Irish constabulary, the laxity of Indian control with the close supervision over executive officers in France—the miserable standard of judicial tribunals in India with the ability and efficiency of English Courts of justice, the efficiency of irrigation works in North Italy with the futile endeavours hitherto made to establish any thing like an adequate system in India, overlook not only the difference of material in the subordinate officers employed, but also the still more important question of expense, and that an administration to be efficient must be costly. India cannot have a better administration than she can afford to pay for, and applying these remarks to Assam, it may well be doubted whether a country, which up to a few years ago was of no great importance to us, which during 50 years of foreign oppression had been nearly desolated, which had a sparse and indolent population, with enormous tracts of land lying uncultivated, which was surrounded moreover by alien tribes uncivilised and practically unsubjugated,—it may well, we say, be doubted whether such a country, contributing as it did then a most paltry amount to the imperial treasury, had any right to expect more than it received,—whether in fact the money spent on it in Courts of Justice, in roads, and in general administration was not in fair proportion to its importance, though not at all in proportion to

its wants. Of course with the development of tea cultivation this state of things changed rapidly. Assam increased in importance with the increase of its new industry, but the increase was exceedingly rapid, and it was scarcely possible that the efficiency of its administration should increase with like rapidity. It must be admitted that it has not so increased, but at the same time we most confidently assert that Sir Cecil did all that was in his power to increase the standard of its efficiency—he was never weary of urging the claims of the province on the Government of India, and endeavouring to place both the judicial administration and that of the Department of Public Works on a better footing. He had the interests of Assam most warmly at heart and from his first tour there immediately after taking office, up to almost the last act of his administration, which was to urge on the Government of India the grant of a guarantee for a railway to Assam, he never lost an opportunity of doing what he could to advance the interests and status of the province. Rome, however, was not built in a day, and until Assam has a separate administration of its own, and the vigour of immediate earnest supervision is infused into it, the province will not be properly governed, nor will it receive adequate attention and be allowed an adequate expenditure.

If further proof were wanting of Sir Cecil's care for the great European interests of Bengal no less than of his desire to do justice to all parties, it would be found in his treatment of the crisis, through which the system of ryottee indigo in Tirhoot passed at the beginning of 1867. Though the question only came seriously to a head in one concern, yet the reports of the local officers, the general anxiety among planters, the number of petitions forwarded on the subject, and the agitation of the native Press, showed that the crisis was a dangerous one, and would require to be carefully watched. There were two questions involved, the one general, the other special. The former was that of price. It will, we suppose, be generally admitted that the ordinary price then given for a beegah of indigo (*viz.*, Rs. 7-8 from which Rs. 3 had to be deducted on account of rent) barely covered the expenses of cultivation, and was certainly not directly remunerative to the ryot, in cases where it would have been possible for him to grow any other kind of crop in its place. It is urged and with good reason, that on the other hand the ryot holds his lands generally at a lower rent under a planter, than he would under a native Zemindar, that he is less fleeced by native amlah, that in regard to the time when the indigo crop

is on the ground, and to its place in a general rotation of crops, he benefits on the whole by the cultivation, and that these contingent advantages more than compensate for the loss. This may very well be true, yet to an uneducated ryot the contingent advantages will be much less palpable than the direct loss. It will be seen that the question is somewhat complicated, but being one purely of price, one between capital and labour, employer and employed, no action which Government could take would be otherwise than injurious, and that the point at issue must be left to an amicable settlement between the parties, and that to prevent, if possible, an explosion and to give time and facilities for such an adjustment, was the sole course which Government could safely enter on. The other question concerned only one factory, which held a farm in the Durbungah estate under the management of the Court of Wards, and certain special oppressions, more especially the sub-letting of the farm to factory servants, were complained of. These were for the most part left to the ordinary action of the Courts, for while it was clear to the Lieutenant-Governor that any action on the first point would be wrong in principle and mischievous in practice, it was clear also that the Court of Wards could easily do somewhat to remedy the special evil of underletting farms to factory servants, and prevent the special oppression complained of in that particular factory. At the same time there was the danger that any public or decided action on the latter point, would raise a flame in regard to the former, the end of which it was impossible to foresee, save that it could not be otherwise than disastrous. What Sir Cecil did in this crisis was to withdraw an unwise proclamation that the Assistant Magistrate had issued, to leave any alleged breaches of the law to the ordinary action of the Courts, to watch the state of affairs narrowly, and to encourage an amicable settlement in every way in his power. In adopting this tone, he resisted considerable pressure from various quarters to take a more decided course of action, and if ever the correspondence on this subject is published, it will be seen that he acted throughout with remarkable judgment and the strictest impartiality, and while providing against the recurrence of such difficulties as had risen up, in regard to the Durbungah estates, his course of action tided over the difficulty for the time being, at all events, and allowed an opportunity for the question of price to be settled by mutual agreement, instead of forcing it to a head, and having a repetition of the Bengal troubles to deal with.

There has been a tendency to attack Sir Cecil on this subject which has not been justified by the circumstances of the case.

He has been blamed for his interference and has been blamed for his non-interference, he has been blamed by anticipation for what was likely to happen, while the result of his judicious management has been that what was likely to happen did not happen. If the Press had had fuller information, it is probable that Sir Cecil's conduct in this matter would have met with warm praise; but unfortunately, as we have said before, it appears to be nobody's business to give the Press information on such matters, and Government must take the consequence of being blamed for partial information and an imperfect acquaintance with facts. We have said that we accept it as the function of the Press of this country to argue against and criticise Government measures, and show what there is to be said on the other side; in these remarks we do not include the one paper that never argues, but only instructs the Government, and like the gods, dwells in its serene heights "above the thunder with undying bliss, in knowledge of its own supremacy." Our remarks apply only to the human element of Indian journalism, and of this we say that, while it is necessarily an exponent of the views of the opposition rather than of those of Government, yet just in proportion to those views being well-informed and based on a sound knowledge of facts,—a knowledge which very often Government alone can impart,—will the influence of the Press be useful or the reverse, and for these reasons, as much as for the sake of Sir Cecil's own reputation, we should have been glad if he had made public at the time all the correspondence official and demi-official connected with the crisis through which Tirhoot indigo passed, and for a time at all events passed safely, under his judicious action and still more judicious abstinence from action. Another advantage which we should anticipate from free communication of correspondence to the Press, would be a diminution of the demands upon Government to interfere in and control matters which no Government can control successfully. Where the real question at issue is purely commercial as it is in regard to tea and in regard to indigo, the action of Government may hasten, but cannot seriously retard, any danger that may be threatening, and the more the tone is given to public opinion, to look to Government only for its legitimate duties, and the less it is attempted after the oriental fashion to make it an earthly Providence, regulating every thing, interfering with every thing, responsible for every thing, the better will its administrative duties be conducted, and the happier in the long run will it be both for the governors and the governed.

We have already brought this article to a greater length than we intended. We have been unable to do more than touch on some of the most important points in Sir Cecil's administration. We had wished, more especially in reference to Sir Cecil's policy in regard to waste lands, to show how entirely the languishing state of the Tea-interest is due to the mistakes made at first; to over-speculation, bad management and insufficient capital. We had wished to show how Sir Cecil's whole policy tended to enable Planters to get land at a fair rate, and cultivate it without losing time by waiting for preliminary formalities; how every survey party, as soon as it could be made available from its work in Bengal, was despatched to the Tea-districts, and how two of his latest actions, *viz.*, the order allowing grantees to concentrate all their payments on any one grant they might wish to preserve, while returning the others to Government, and the recommendation for a railway to Assam, were made in the direct interests of the Tea-planters. We have however been able to do this only very cursorily, and have left ourselves little space to refer to other subjects of importance.

We should notice, though it can be but briefly, the abolition of the Government salt manufacture, by which the Government "definitely abandoned a system which, from its first establishment by Lord Clive in the shape of a pure monopoly, has lasted with various modifications almost a century, and whereby the aim which the Parliamentary Committee of 1836 distinctly pointed out as the final object of the principle they laid down in determining the system under which Government salt was to be priced, *viz.*, the ultimate displacement of the Government manufacture by imported salt, has after twenty-seven years been fully attained." We should notice also that Sir Cecil succeeded in fixing within tolerably definite limits the amount of opium to be manufactured and sold in each year, a quantity which had been hitherto continually fluctuating.

But perhaps the one subject with which Sir Cecil Beadon has throughout his career most warmly identified himself is the extension of education. His belief was that to place a good system of English education within reach of the upper and middle classes, and through them gradually to extend the desire, and with the desire the supply, of good lower class education, was the wisest and safest method of securing the welfare of the country, and on this belief he has consistently acted, and it is now in a fair way to succeed triumphantly. As an indication of this, we may take the fact that on the 30th April 1862, when Sir Cecil first took office, there were 319 schools in

Bengal receiving grants-in-aid. In the report for 1865-66 these had increased to 1,200 of which 150 were girls' schools. Then for the improvement of vernacular village education, a scheme originally started by Sir J. P. Grant, but considerably altered and enlarged by Sir Cecil Beadon, was introduced in the first year of his tenure of office and is thus described :—

“ The villages, where *Patshalas* are already in existence, are “ invited to send for a year's training in a Normal School, either “ their present Gooroo, or some other person whom they will “ undertake to receive as their future school-master. Their “ nominee, if accepted by the Inspector, is sent to a Normal “ School, with a stipend of Rupees 5 per mensem, and a written “ agreement is entered into on the one hand with the heads of the “ village, that they will receive him back as their Gooroo, when “ he has completed his course of training and received a certificate “ of qualification, and on the other hand with the nominee “ himself, that he will return to the village which selected him, “ and there enter upon and discharge the duty of village school- “ master to the best of his ability, on condition of being secured “ a monthly income of not less than Rupees 5 in the shape “ of stipend or reward, so long as he continues to deserve “ it. Each of the three training schools at present established “ receives seventy-five stipendiary students.” From the report on education for 1865-66, it appears that the number of Normal Schools for masters and mistresses under Government management had increased to twenty-seven with a total of over 1,300 school-masters in training. Three of these schools were for mistresses. It is needless to enumerate the other improvements in education that have taken place. Sir Cecil's endeavour to get the educational service put for the first time on a decent footing, both in regard to pay and position, was only partially successful, but it has certainly been a great improvement and is likely to beget still greater ones. We cannot do more than mention his establishment of law professorships at the colleges, the establishment of a College at Patna and a Collegiate School at Gowhaty, his reconstitution of the School of Arts by which, under the able management of its present Principal, it has been converted from a shop, where much of the work turned out might properly have come under Lord Campbell's Act, and which was useless and demoralising to the students and expensive to the Government, into an institution of which, for its usefulness in supplying the existing wants of the public, and for its capacity for developing better taste and higher aspirations in native decoration, the Government may well be proud. To any one who takes an interest in this subject we recommend

Mr. H. H. Locke's report published in the appendix to the last annual report of the Educational Department. We have no hesitation in saying that in matters educational, Sir Cecil has done far more for Bengal than either of his predecessors, and his work in this line will live and bear fruit in a way which, if he could live to see it, might make up for much of failure in other directions.

We must not omit to notice the improvements introduced by Sir Cecil in the judicial service. His suggestions for a total re-organisation of the subordinate service, abolishing the present nomenclature of Sudder Ameens and Moonsiffs, and making three classes of subordinate Judges, on a scale of pay adequate for the remuneration of their important duties and sufficient to attract men of respectable families and education, could not unfortunately be carried out in its integrity owing to want of funds. It was however the means of raising the pay and position of Moonsiffs to a fairer level than existed previously and has since been followed by further reforms in the same direction. The establishment of additional Small Cause Courts, the extended introduction of the jury system (about which however we admit there is ample room for difference of opinion), and more than any of these, the two great reforms which he instituted, first by his determined raid against incompetent Judges, which, while it improved the tone of the service generally, no doubt obtained for the author of the measure a good deal of very natural and unavoidable odium, and secondly his substitution of the Judge as recorder of evidence in criminal cases in lieu of his amlah, by making English take the place of the vernacular record, and thereby reducing to a minimum the power and interference of the amlah; these, and more specially, in our opinion, the last of these reforms, entitle Sir Cecil to a higher meed of praise than has generally been granted to him, and are by no means the least among the many active improvements which the last 8 or 9 years have seen in our system of judicial administration.

It is something also that Sir Cecil has given to Bengal a system of municipalities; a scheme of little use perhaps at present, but which is the germ, that, properly developed, may grow into a wise and successful method of local self-government, the only method in our belief by which progress and independence can in any country be successfully fostered. His establishment too of a system of weekly reports on the native Press, by which, for the first time, not only the Governors but also the English Press and the English public are placed in a position to understand *what the natives think and say of them*,



is an immense gain and is based on the soundest appreciation of the value of the native Press. If dissatisfaction or even disloyalty is at work, it is infinitely better to let them have their say, and even to publish their say to all whom it may concern, than to try to suppress feelings which having vent are harmless, but which by suppression may become not only doubly bitter but on occasion also mischievous.

There are many other points in Sir Cecil's career which we had wished to touch upon, and many of those on which we have touched we had wished to elucidate more fully. But time and space forbid: we can only add that, though fully aware how much more might have been done in vindicating Sir Cecil from many of the reproaches cast on him, enough has in our opinion been said to show that Sir Cecil's administration has on the whole not been unworthy of the respect and gratitude, both of his countrymen and of the people over whom he ruled, and we feel that for one most grievous and fatal error of judgment, a career of 30 years of industry, usefulness, and ability, guided and guided successfully by a noble and philanthropic desire to promote the best interests of the country, should not be lost sight of and forgotten. We are told that there will never again be a Civilian Lieutenant-Governor of Bengal. However this may be, we feel assured that Bengal will be administered by many Governors or Lieutenant-Governors, before it is ruled over by one worthier than Sir Cecil Beadon.

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ART. VI.—*Idylls from the Sanskrit.* By Ralph T. H. Griffith, M.A., Principal of the Sanskrit College, Benares. London. 1866.

IT is always pleasant to see a man faithful to his early love, and it is as rare as it is pleasant to witness such attachment maintained in the face of little apparent encouragement. The author of these specimens of Sanskrit poetry is not unknown. In his "Birth of the War God," published some thirteen years ago, he established a reputation for taste and scholarship; and we are glad to find that so long an interval has not only not diminished but ripened his powers in this direction, and that he has come forward again to give us the cream of his labours in the same field during a long residence in India. But we congratulate him especially, that he has not shrunk before the discouraging certainty that his work, for many reasons, can never become popular. If a wide popularity were to be the test of the worth of a book, the merits of these translations must be pronounced slight, for if ever a book had a hard battle to fight, it is this volume of *Idylls*. Every thing seems against it. At first sight the rich cloth binding, the bevelled edges and thick toned paper seem to place it in a class of books from which men instinctively shrink: we mean the endless "Garlands from the Poets," "Books of Gems," and the like—a growth due to the restlessness of book-makers and the exuberance of modern literature, and which is indeed rather a branch of fashionable upholstery than of literature. It is a fair flower in this garden of drawing-room volumes, "frail as the clouds, and in their colouring as gorgeous as the heavens." But as the rough working man shrinks from contact with the broadcloth which seems to stamp its wearer as of a class with which he can have little sympathy, so does the literary working man shrink from books in such gorgeous apparel as this.

Then it is a translation, and no translation is, as a rule, very popular. Even those which have made the most noise at their publication, such as Lord Derby's "Homer," are soon forgotten. They never can hold more than a secondary place in literature, and it is only a very wise man who can see the beauty of being second. At all events the charm of any translation is chiefly for those who know the original work well, and are able to

compare the two : to whom therefore there is a keen pleasure in seeing gracefully and faithfully rendered, passages which they have themselves, with much toil and difficulty, forced to yield their secrets. But a translation which aspires to take the place of its original,—which is written, as these obviously are, chiefly for those who are and are likely to remain unacquainted even with the language of the original, must have merits of its own of a very rare order, if it is to acquire any fame. Lastly it is from the Sanscrit, and it is only a very small class of English readers, (excluding oriental scholars, for whom it is specially not intended) who pretend to the faintest interest either in Sanskrit literature, or in the fragmentary history of the age from which it dates. The majority of readers have no association with the names of Rama and Sita or even of Vishnu and Siva, beyond perhaps some many-handed idol brought home by an Indian uncle, and regarded with scanty veneration in its new home. Others there are who confess to some far off interest in the subject, but who, unable to enter heartily into it, do not care for such a mere taste of it as may be gathered from a work like this. The subject is a sea, an ocean ; a man is awe-struck at the sight of it. It is a black water that he cannot hope to navigate alone, and if ambition tempts him and he seeks a pilot, the pilot's pictures of the sea are often more terrific than the reality. Take such a book as Professor Wilson's "Religion of the Hindus," for instance. The first glance is enough to drive a casual reader to despair. To take a passage at hazard, in the introduction we read, "The Saura sect was continued under the auspices of Divānkara Brahmachari, and the Śākta under those of the Sannyasi Tripurakumāra : the Ganapatya were allowed to remain under the presidency of Girijaputra, and from such persons as had not adopted either of the preceding systems, Batukanath, the Professor of the Kapalika or Bhairava worship, was permitted to attract followers : all these teachers were converts and disciples of Sankara, and returned to his superintending guidance, when they had effected the object of their missions." In all humility we ask what interest can any human being find in such a study? With profound veneration for the learned author, we submit that all that is human, vital, seems to be eliminated : all that is lifeless carcase, dissected and analysed.

We hope to shew, in the course of the following pages, that among other valuable results of a work like that now before us, it offers to the enquirer an opportunity of a pleasure trip as it were, into this sea, so vast, so mysterious, and on that account so fascinating. This is just one of those cases which

illustrate the falseness of the proverb that a little knowledge is a dangerous thing. We hope not only to rescue this work from the catalogue of ornamental "selections," but to shew that, like the beautiful Golden Treasury Series, it has a very high value of its own, and moreover that it is from the hand of a man conspicuously qualified for the task.

Urged no doubt at first by pure love of the work, the translator's object is nevertheless a high one. Everything points to the conclusion that he has laboured less for the student and the oriental scholar than for the general English public, ignorant of the Sanskrit language, and without personal experience of oriental life. The translations are many of them professedly "free" and "condensed," so as to convey rather the spirit than the literal rendering of the poem. They are throughout thrown into rhyme—a more than questionable step if they were intended for the critical student—a step which must always fatally hamper a translator, but adopted with obviously sound judgment in the present instance. For, as we learn incidentally from a note, the aim is to offer to the public in an English dress some of the most characteristic beauties of eastern classic literature. It is to transcribe these for the benefit of men who have neither time nor opportunity to study them in their original form, who would indeed as soon think of studying the arrow-headed inscriptions of Babylon, yet who are grateful enough for the light thrown on an obscure subject, and gladly follow so well qualified a guide. The object of the translator is further, as we take it, to assert the dignity of the race to whom he has devoted his life: indirectly to remind a larger and less discerning class of the English public of the deep veneration due to the people we are called upon to govern and educate—a veneration springing from the same source as that we feel for modern Greece and modern Italy, namely from the remembrance of early greatness. Mr. Griffith views the modern Hindu as Mr. Gladstone does the modern Greek. He would remind us that we have here something more than mild and pitiable races, whose literature is but a feeble imitation of our own, and who may thank Heaven for the civilization hurried upon them by railways and telegraphs—a civilization which must wear to them the same air of insolent self assertion which that of America does to the old world of Europe, and which is only made the more repulsive by the consciousness that it must prevail. He would recall the truth, too little remembered, that our civilization and our literature are things of to-day when compared with the Homeric antiquity of those of our Eastern subjects.

Apart, therefore, from their merits, by no means slight, as efforts of scholarship, these translations are valuable in so far as we may from them gain some insight into the modes of thought and the every-day life of a world, which dates back beyond the most ancient history. We are full of wonder as we read the books of Moses, and trace his vivid pictures of patriarchal life; as we hear the very words of Abraham, the laughter of Sarah, and the sighs of Rebecca uttered four thousand years ago; but in Sanskrit poetry we have pictures more vivid still of an age little less modern than that of Moses. It has been well pointed out by an able writer, that poetry is in this way the truest and most living history: that it is just from incidental touches in a national poetry of this kind—touches of which the poets were themselves hardly conscious, but casually revealing phases of thought and life,—that we are enabled to call up before us the life of the men and women for whom the poems were written and sung, and to picture to ourselves the scenes among which they lived: that we are able to detect the luxuriant forms and rich colouring of what Victor Hugo has called the foliage of great events. Such poems are a rich tapestry-work, where every kind of figure is fantastically interwoven, retaining its brilliant colours undimmed by time, and requiring only a careful hand to trace the meaning of each picture. We discern the never-changing features of humanity, and how they were acted upon by conditions of life so different to our own. We see the same classes of rich and poor, good and bad, moving through life as we see them at this day, with the same passions as ourselves, and influenced by all the same littlenesses that still, as then, make up life. Here are our fellow men, actuated by the same fears and doubts as to the future, the same faith in God, the same hopes of heaven. We see the working of the same eternal laws of right and wrong, and in the wonderful civilization of the period from which these poems date, a code of ethics almost as perfect as that of Christianity: for if the mythologies of India are of all the most fanciful and preposterous, the perfection of the Hindu moral system must startle many a Christian when first made acquainted with it, by the marvellous unity of its main precepts with those of our own faith.

Here therefore, as we apprehend, lies the great interest of Sanskrit poetry, that it offers an unconscious reflection of the outward life and the tone of thought of the men for whom the poets wrote. To many there seems to be an attraction in the tracing to their sources elaborate myths and the worship of many divinities, but to ourselves this has always rather destroyed than added to the pleasure derived from the study

of early history. We care not to know that Agni was the fire, and Indra nothing but the vault of heaven; we prefer the pure mythical form with all its attractions. A deep interest, however, must always attach to an investigation of the feelings and life of men in an early age of the world's history, and here, we think, is the chief value of the work we are discussing: that it sets forth, in a form rendered attractive by the graces of a refined scholarship, a copy of the original reflection of that life; and serves to whet the appetite of the lover not only of poetry, but of history, and invite him to a deeper draught from the pure well from which it is drawn. We may gather hence some notion of the light in which questions of religion and philosophy, of Government and of social life were regarded. We are enabled to watch these pre-historic men in their daily intercourse, in their houses, in their travels, in their wars: to trace the relative position accorded to the sexes, and the value attached to morality. We see them as subjects under kings and an elaborate and marvellously perfect code of laws—we see them as painters and sculptors—we may detect their very dress. And more clearly than all, we discover the true spirit of poetry in an appreciation of natural scenery as delicate and sensitive as that of Wordsworth, and in these translations often clothed in language as musical as that of Shelley.

And here we have a word to say of the translator himself. It has been said that no man can pass the best years of his life in India without becoming at heart either a Hindu or a Mahomedan. We do not for a moment mean to say that Mr. Griffith has done either: but undoubtedly he is a rare instance of a thorough English scholar who from a concurrence of circumstances has, more than most of his countrymen, become naturalized in his adopted country. He is one of very few who, being thoroughly acclimatized, and having few ties binding them to England, have ceased to live that divided life which cramps the energies of so many in this country; and thus he has been enabled to throw himself into the spirit of Hindu life and Hindu literature. One of the most patient and earnest, and yet most modest of oriental scholars, a man of very refined taste, he has brought to his researches the culture of an Oxford man, the delicate sensibility of an elegant scholar, and an admirable power of "fitting aptest words to things." Placed too in a position peculiarly adapted to the bent of his mind, in the holiest of Hindu cities, it is no wonder that its traditions and its faith have laid hold upon a mind at once pliant and critical, and that our translator has become fascinated by the beauties and imbued with the spirit of the Hindu lore in which it is

his delight to revel, to borrow a simile frequent in these pages, "like the wild bee in the lotus flowers." Men in such a position of intimate connection with both the native and the English population exert an influence for good or evil whose extent cannot be exaggerated; and if endued with the devoted spirit here displayed, must form a link between the eastern and western minds which cannot but be of the last importance. They are as it were the hyphen which connects the two halves of the significant name Indo-European.

Of the primary merits of these Idylls, as translations, we do not profess to speak. There are few, however, we imagine, competent to sit in judgment on Mr. Griffith's attainments as a Sanskrit scholar. We approach his work from the point of view of the general English reader, for whom it is specially intended, and we think that a fair criticism will shew that, apart from the incidental, historical value to which we have alluded, it does attain in many instances the high position to which it aspires: that the poems are not only readable as translations, but have much of the attraction of original and scholarly compositions. To read one of them is to live again in our early golden dreams of the fascination of all that is oriental, stripped of the shabbiness which after years teach us to associate with that idea. There is

A scent of eastern sandalwood,  
A gleam of gold.

Both the subjects themselves and their whole treatment, the religious colouring, the relation of the sexes, the Homeric weeping of heroes, finally the peculiar imagery borrowed from external nature, so foreign to western thought, so piquant from its very strangeness, and yet at once recognized as so truly characteristic, all combine to throw a great charm over these graceful Idylls. They are, in their way, like the well-known sketches by "George Eliot" of phases of life seldom seen or studied, yet the accuracy and truthfulness of which everybody intuitively recognizes. How sincerely the translator has identified himself with his subject—how completely he sees with the eyes and feels with the hearts of his characters is seen in many ways, and notably in his reverent adaptation to the Hindu theology of names and titles so hallowed by custom and association as "the Saviour," "the Scriptures," "Holy Writ" and the like.

But it is time we should allow him to speak for himself. We will ask the reader to follow us rapidly through the four pieces which form the body of the work, and will then endea-

vous to put together into one or two defined pictures, some of the rich materials here presented to us piecemeal.

Each of the Idylls is a fragment, more or less perfect in itself, from one or other of the great Sanskrit epics. The majority are taken from the *Raghuvansa*, the work of Kalidasa, who has hitherto been Mr. Griffith's favorite; though we rejoice that he promises us a complete translation of the *Ramayana*, the most venerable of all, from which is taken the exquisite Idyll of "Sita" in this volume. The first and fourth pieces, entitled "Aja" and "Dilipa" are the most thoroughly characteristic and Hindu in style and subject, while the remaining two, "Sita" and "Savitri," appealing more to universal sympathies, are, we think, the most attractive, and the most feelingly handled.

The first of the four contains the tale of how the Prince Aja, son and heir of Raghu, wins, loses and finds again in heaven his beautiful bride and queen. As the curtain rises, Aja lies asleep, "dreaming into his wedding morn," and a chorus of minstrels calls upon him to awake and take his place in the ranks of the suitors from among whom a royal maiden is coming to choose a husband. The scenes which follow, how at sight of Aja his rivals lose all heart—how he is chosen by the fair princess, way-laid by the disappointed suitors, and after a bloody battle returns in triumph with his bride,

The dust of battle hanging on her hair,

and takes the burden of State affairs from off his father's shoulders—how his queen proves to have been in truth an angel, banished for a time to earth, and after bearing him a son, is recalled, to his infinite despair—and how he never ceases to pine for her till he rejoins her in Paradise is told in language and imagery both tasteful and characteristic.

The first scene in which the suitors are seated each on his throne, decked in all he hopes to prove most attractive to the maiden's eye, recalls with strange vividness a spectacle connected with very foreign associations. We apologize to Mr. Griffith for the profanity of the comparison, but it is irresistible. It is the "cotillon" of a modern ball-room, in that figure where the lady sits, mirror in hand, while suitors are led up one by one, the face of each beaming with its most alluring smile, or clouded as he sinks to the ranks of the rejected. Of course the charm of the modern dance consists in this oriental feature of the choice resting with the lady. But the princess advances, and each suitor has his stratagem to attract her eye. There is a touch of genuine nature in the maidenly grace with which she passes from one to another. Her wreath slips from



her forehead, and as she turns to set it right, she passes on to a second suitor. In the description of this warrior occurs a striking simile, powerfully rendered :

In battle with his foes the conqueror threw  
On their wives' breasts a necklace, strange and new,  
When the big tear-drops on their bosoms hung,  
A row of pearls most lovely, but unstrung.

But another and another is passed by : no appeal to valour or beauty or wealth, no pictures of palace gardens arrest the maiden, for

woman's fancy man nor God can tell—

till her eye meets that of Aja, beaming with hope and fear. Then at last her heart is taken captive. Born of ancestors whom the very winds of heaven obeyed, conspicuous for beauty, for valour and goodness, to wed him will be to marry the gold and the gem. Trembling with love and modesty, she throws her wreath of flowers over the neck of her chosen, and

So sweet those flowers upon his shoulders hung,  
He thought the princess in her love had flung  
Her twining arms around him.

Nothing can be prettier than this.

The bridal procession follows, the marriage and the reluctant homage of the disappointed, and there is a very life-like picture of the eagerness of the ladies to see Aja, racing to the windows for a view of the procession, their negligé attire adding to their charms. One has her long hair floating down her back, another has one eye or one foot dyed, and another her dress half-open. The prize however is not safe yet, and the wedding tour is enlivened by a fierce battle. The jealous rivals waylay the prince. Elephants, chariots and mailed warriors mingle in confusion, and the horrid details are drawn with Homeric minuteness :

A prowling wolf that severed arm has spied  
And swift with hunger to the feast has hied ;  
A golden bracelet round the arm is hung,  
Against the clasp he wounds his foaming tongue :  
Turns with an angry howl of pain away,  
And to those vultures leaves the mangled prey.

But Aja, like Arthur at Mount Badon, is armed with a magic weapon, and his enemies are paralysed before him. His happy reign is then described, first as Regent, while his father, like all the good, withdraws to end his days in communion with God. And here occurs a series of couplets which space will not allow us to quote, intensely Hindu in character,

describing the harmonious yet opposite lives of the hermit father and his royal son : till death, long prayed for, releases the aged Raghu. Quickly upon this follows a blow from which Aja never recovers. The scene changes and we are for a moment translated to the Hindu Olympus. Narad, the heavenly minstrel, flying to the Court of Siva, lets fall from his lyre a chaplet of celestial flowers, which lights upon the lady's breast. This is her signal, like the tokens in the Pilgrim's Progress, and she yields her life in obedience to a long foretold decree. The tenderness of the lover's lamentation is very beautiful : how pathetic is his complaint,

Signs of thy charms will meet me : thou hast taught  
Kails thy voice of music : swans have caught  
That step that love made languid : startled roes  
Have learnt thy winning glance : the creeper throws  
Her amorous arms, when shaken by the breeze,  
As thou didst, dearest—

No counsel of sages can reach the heart of the bereaved. For eight years he mourns his love—his only joy to recall some grace of hers, his only care to educate her child : till, released at last, he meets his love again in the new beauty of immortality.

To "Sita," the second and shortest of the four, we award the palm both for pathos and execution. Less full of what is purely oriental, it is the one least open to criticism. To quote from it would be to spoil it : but it should be read first by anybody who wishes for a specimen at once of scholarly taste and of a most touching love-poem. Breathing as it does the purest devotion of a woman's love, it might have been entitled the "Triumph of Love"; as "Savitri," the poem which follows, might be called the "Triumph of Prayer." The romantic stories of Rama, the incarnate god, and his loving wife Sita, are a favorite theme with all Hindus, and no more beautiful theme for poet or painter can be imagined. Rama has been sentenced by his father Dasaratha, king of Oudh, to exile for a term of years; and this Idyll consists of a dialogue between him and his devoted Sita, who vows that she will follow him to exile, death or hell : while the husband, to try her, paints the horrors of the jungle, and declares it her duty to leave him to face them alone. True to nature, the poet makes the wife prevail, but not till she has braved even the threat that her husband's love may cool when hardship has robbed her of her beauty. Her purely feminine pleading might have served Shakspeare as the groundwork of the scene between Arthur and Hubert in *King John*. Rama has no answer, and conscious of triumph she bursts

forth again, passing from entreaty to taunts; bidding the lover remember his vows, and the soldier the cowardice of deserting the post he has sworn to defend; and ends with a vow to drink poison before his eyes if he rejects her prayer. Her passionate appeal prevails, and with floods of tears, and vows of eternal love Rama promises never to part from her.

This little poem is one that appeals to every heart with as tender a force now as when it was first sung three thousand years ago: and to none does it appeal more powerfully than to many who have chosen the voluntary exile of an Indian life, who for its sake may have had to part from wife and child, or to see one or other sink under the hardships due to their devotion to him. Modern life is generally thought to be hopelessly prosaic: modern manners and modern costume seem—spite of the sensation novels—incompatible with romance. But prose and poetry, like the tragic and the comic, lie ever close together, and there is many a man whose life seems prosaic enough to himself, who takes a passage by the unromantic “P. & O.,” leaving wife or child under a mother-in-law’s somewhat prosaic guardianship, who as he reads will feel a very tender chord of his heart touched, and will enter more fully than he may care to confess into the pathos of this ancient love-song.

The story of “Savitri” is an illustration of a familiar phenomenon in spiritual life. It finds its most striking parallel in Hebrew story, but has an echo also in the religious mind of every age of history, and might have been prefaced by the words of St. James, “the effectual fervent prayer of a righteous man availeth much.” It describes the wrestling of the human spirit in prayer with God. It matters not to us that the God is one of a vast pantheon. In every system of polytheism there are traces of a consciousness that all are but persons of one godhead, and the object of prayer is after all the same eternal spirit in whom we all believe. The phenomenon therefore is the same, and while thoroughly Hindu in character, it recalls some of the most striking of Hebrew traditions. It is the triumph of the will of a good man even over the decrees of fate. “Tell me thy name,”—“I will not let thee go except thou bless me”—this is the burden of the wrestler’s cry here as in Genesis. The importunate return too, that will not be denied, recalls other familiar scenes. “Oh let not the Lord be angry,” she seems to say, “and I will speak but this once;” and like her sister of Tyre centuries after, she retorts with invincible faith to each repelling answer of the God.

There are features in the characters and their position in this poem which also bring back memories of Sophocles. Savitri, the heroine, is, like Antigone, the beautiful daughter of an old, blind and exiled king, and, like Antigone, she displays a character marked by the most heroic courage and the most devoted love. She goes forth, like the bride of Aja, to choose for herself a husband, and the story turns upon the ill-fortune of her choice. At the name of Satyavan, the prophet Narad, seated in converse with her father, foretells grief and woe, for Satyavan is destined to an early death. The father bids her choose again, but

——the maid's love is given once for all.  
Whether his days be many or be few,  
My heart has chosen and my love is true.

A model of gentleness and goodness, she is proud in her husband's love, and follows him, like Sita, to the forest, on the day of his death.

Then follows the pith of the story. The prince is struck down in a fit, and while she holds him in her arms, a fearful shape appears, Yama the god of death, a noose in his hand to bind the sleeper's soul and bear it away. He announces that her husband's hour is come, and binding the soul with his cord, bears it away, as we see souls depicted in mediæval sculptures. The body is left lifeless on the ground, and Savitri follows the god, as a dumb animal does a man who carries away her young, pleading as she goes her own pure life and hatred of sin. Again and again she is repelled: again and again she returns, at each plea so charming the god by her wisdom and faith, that he yields boon after boon: to her father, restoration of sight and throne: for herself, to bear to her lord a long line of successors: till finally, vanquished by her importunity, he offers any boon she asks. And so she wins back her own Satyavan to life. Then follows an exquisite picture, worthy to find a great artist's canvass, of the gentle wife leading the once strong man, carrying on her head his basket of wild fruits, and his hatchet hanging at her dainty waist: while he bends on her a look of helpless love and gratitude. Thus the prayer of the good has prevailed. The king is brought back, like David by his people. Subjects, friends and wealth return to him as to Job; his brave son-in-law shares his throne, and the gentle Savitri is blessed with many sons to hand down her story and her father's fame.

In the Idyll of "*Dilipa*" we have a very natural and picturesque treatment of the Hindu veneration of the cow. *Dilipa* is a kind of Hindu Solomon, uniting the consummate

statesman with the saint. He is king of all the earth, which is happy under his rule: and he is rich in every blessing life can give, except one. He is childless. Regarding this as the chastisement of Heaven, he prays to "God, the great Creator," and with his queen and a slender following, goes to consult an old prophet, Vasishta. To him he lays bare his grief, and, like Galahad, is not ashamed to avow his own virtue,

Pure is my soul through sacrifice and prayer,

and to demand the reason of this visitation. The prophet reveals the cause: it is on account of a slight once offered to Surabhi, the holy cow, "giver of all good things": and he points out a mode of expiation. This is to pay all honour for a time to Nandini, Surabhi's daughter: and for this service he promises the somewhat doubtful blessing that "among fathers none shall equal" the king.

Then comes the humiliation and temptation of Dilipa. He humbles himself to be the slave of the holy beast: feeds her and fondles her, and follows her to the forest—the queen too attending for a time, and decking the cow with flowers. The beauty and dignity of humility are here admirably drawn. In all his lowliness, Dilipa is a king still, and even the wild things of the forest, birds and beasts and flowers, recognize his royalty. At night he still watches by the cow, as by some helpless child, placing lamp and food beside her, and only sleeping when she sleeps. Thus pass "thrice seven long days," when the day of temptation arrives. In a cave of the Himalaya, the holy beast is seized by a lion. Quick to avenge her, the king takes an arrow, and

—his bright nails shed

O'er its white feathers gleams of rosy red.

But his hand is stayed; the monster's mouth opens, and he declares himself the servant of Siva, placed there to guard a sacred tree and devour all who venture near. He claims Nandini as his lawful prey, and like the lying Hebrew prophet, tells the king that he too is a servant of the most high God, and that therefore he need feel no shame in yielding his charge to the irresistible power of the Almighty. Dilipa however stands this test, and bowing to the might of Siva, only prays that his own life may be sacrificed as a ransom for the cow. The lion, a very Satan, replies by an appeal to his noblest feelings:

—while thy death, oh king!

To this one cow a longer life will bring,

Blest by thy reign a thousand homes would be,

For all thy people look to only thee.

But even this does not shake his firm resolve to save his charge or die in her stead. He bows his head to receive the lion's spring, but instead of the monster's claws

there came a rain of flowers  
Poured down upon him by the Heavenly powers.

And instead of his roar, a sweet voice from the cow herself, bidding him rise and choose for his reward the desire of his heart.

The longed for son is promised: king and queen return, to the joy of their people, who look with reverence on the king, pale and worn with penance, like the moon returning faint and feeble to the sky. The birth of the infant is then described, accompanied by all the wonders that attend a heaven-born child: and if anything could point strongly to the suspicion of interpolations from the gospel history, it is this description:

High in the heavens five brilliant planets shone,  
Blessing the child they looked so kindly on.

...  
There was a glory round the infant's head,  
That poured strange lustre o'er his mother's bed.

...  
While in the skies the gods the rapture share,  
And the glad music sounds in concert there.

The poem closes with a sketch of the child's training, till he shares and then succeeds to his father's throne.

Such in substance are the four principal Idylls. Let us now take the volume as a whole, and try to trace in outline some of the figures here mingled together in such brilliant and picturesque confusion. Let us follow some of the indications offered, without design, and on that account the more striking, of the life and the thoughts of this primeval civilization, existing in such wonderful completeness in the far east, while as yet the west was in comparative night, and there was almost no intercourse between the two. And here obviously, supreme importance attaches to accuracy in fixing the dates of the poems upon which we draw for our material. Unfortunately this is at once the most important and the weakest point of our position. To assign precise dates to the Ramayana and Mahabharata is impossible; and even the approximate dates hitherto agreed upon are now called in question. On the one hand we have the judgment of the majority of oriental scholars, assigning as the probable date of these poems, the fourteenth and thirteenth centuries before Christ, and pronouncing them epics worthy to

rank side by side with the Iliad and Odyssey: on the other are ranged certain modern sceptics, who, as we take it, having a point to prove, and unwilling to allow to the forefathers of the degenerate races of modern India, the credit of a divine morality, would degrade to a level below mediocrity these works hitherto honored as almost inspired, by insisting that all in them that is beautiful and divine, alike in incident and sentiment, is due to interpolations as late as the eighth century of our era, and to the inweaving with Hindu legend the simple story and sublime teaching of Christ. As if priestly interpolators could at will assume the inspiration of poets! Incident and sentiment might possibly be plagiarized, but if these poems are entitled to the place hitherto unanimously assigned them, then they have achieved it by the power of no poetic inspiration, but by the narrowest spirit of religious sectarianism! And when did such poetry ever spring from such a source? But it is not for us to enter upon so wide a field of discussion: for our purpose there is certainty enough. There can be no doubt that the Vedas, the ultimate source of the whole Hindu religion, date as far back as the thirteenth century B. C. It is indisputable that the Institutes of Manu, the Hindu law-giver, were written before the invasion of Alexander, that is, the fourth century before Christ: and there can be as little question that the whole life depicted in these poems is the life of an age earlier still, an age compared with which the Homeric age is modern. Remembering this we shall find matter enough for wonder, even in such a cursory glance as we are here able to take of so profound and inexhaustible a subject.

Let us glance then first at the state of religion and morality as indicated in these translations. If the morality of the Mahomedan is undoubtedly but a reflection of the bright light of Christianity, no such explanation is possible of the origin of the Hindu moral code, marvellously perfect as it is, any more than of the pure morality which breathes through such a poem as the book of Job. There is in fact, we believe, but one explanation, namely that the same eternal Spirit which now works in Christianity has inspired from the beginning all who have been willing to receive him: and there are many indications that these "Christians before Christ" recognized the truth that forms were transient, but the great laws of morality eternal. "The Almighty will not ask" said the founder of the Sikh sect of Hindus, "to what tribe or persuasion a man belongs; he will only ask what he has done." Take the conception of God illustrated in this volume—for

spite of many names and many forms, we maintain that at heart Hindus, Greeks and Romans alike, believed in and worshipped the one great God. As here depicted, he is a spirit who dwells in the high and holy place, with him also that is of an humble and contrite spirit: in the "Address to Vishnu" we have it almost in the words of the Jewish prophet:

Though far away, thou dwellest in each heart.

And again,

Oh light, that dwellest in the humble breast.

He is one though wearing many forms, incomprehensible, omniscient, the maker of all things, and to all who trust in him he is "the way" to everlasting life. He is "full of compassion," able to save in distress the people he has made, and "for the world's good" his mighty deeds were done. To contemplate him is to become pure; to "serve him truly" has unspeakable rewards. But what kind of god is here? This is no Jupiter, no dreadful thunderer, inspiring only awe and fear, but a father and a friend, with love and sympathy for all his creatures, hating nothing that he has made. Here we trace the sense of man's individual responsibility to God and personal communion with him, the sense of sin too, and of holiness,—conceptions which the Greeks never knew. This god is also a jealous god, and in this feature we recognize the well-known Greek feeling, so natural to man, of excessive happiness exciting envy in the heart of God. In the "Flying Car" we have described a saint whose consummate happiness on earth

Filled Indra's jealous breast with doubt and fear.

So Sita in her exile blames Nemesis as the cause of her ill-fate :

Thou leftest Fortune, by thy side who stood,  
To roam with Sita through the dreary wood :  
And the proud Queen has laboured to destroy,  
In jealous rage, her happier rival's joy.

Here is the moral of the story of Croesus, that there may be a happiness on earth, which even the "seraphs of heaven covet". Again there is a parallel to the legend of Tithonus in that of the demon Ravan, who won from Brahma the boon that no god should slay him, but "forgot" to guard himself against the hand of man. The world-old belief in omens has its place also : Sita forebodes her exile.

Her right eye throbbled, ill-omened sign, to tell  
The endless loss of him she loved so well.



Then if we turn to the views implied regarding the ever unsolved mystery that shrouds the farther side of the grave, we are still more struck by the belief indicated. The translator in a note to his "War God" tells us that the highest heaven of the Hindu is absorption into God, the second a Mahomedan paradise. We venture to think that the paradise is more Christian than Mahomedan. But at all events it is startling enough to discover, what we cannot but believe, that these early Hindus were in possession of the intoxicating hope of immortality at a time when the worshippers of Jehovah, the chosen people, had no thought of such an inheritance. Nor was theirs any shadowy Greek Elysium, where pale phantoms flitted among beds of asphodel, envying the meanest of men on earth; but a Heaven where the lover met his earthly love again, no shadow of her former self but "more lovely far than ever." How different is the conception of Aja longing for death that he might rejoin his love in heaven, to the sentiment, familiar to all readers of Homer, expressed by the shade of Elpenor to Ulysses, that he would rather be the veriest slave on earth than king of all the dead! Sita's only comfort in her cruel exile is the thought that "the life that is to come" will restore her love to her for ever. And this is a heaven too that depends on the good or evil done here on earth:

——— in the world to come, our bliss  
Springs from our penance and good works in this.

What then, we go on to ask, are these good works? What was the ideal life of a good man? Truly if it were possible to believe that the Gospel had given a tinge to the Mahabharata we must have thought that we heard here the echo of the voice of Christ:

The best religion is to injure nought  
That lives on earth, in deed or word or thought:  
This is religion, and the good will shew  
Mercy and kindness to his bitter foe.

Self-sacrifice, the essential principle of Christianity, is the prominent feature here. Self-denial, obedience to parents, reading the Scriptures, attention to ordinances, all are inculcated. The heroes of old gathered wealth like the sun, to bestow it again on others. Dilipa was formed

To find his own in others' happiness.

and it is obedience to parents, "the paramount of duties," which sends Rama an exile to the woods. There is tolerance too for many creeds; there are many ways leading to bliss, but all unite in

God,—a wider liberality this than that which holds accursed all who presume to say that every man shall be saved by the law or sect which he professeth ! Such is the high tone of the morality laid down in Manu's Institutes, and what have we in all this but something very near akin to the divine teaching of Christianity almost in the words of Christ ? Who cares whether it comes from the lips of a mythical Manu or of a divine Christ ? It is the same utterance of the same spirit, then as now recognized as unchangeable truth : and it is this pure and simple morality which we find colouring the whole of these beautiful samples of Sanskrit epic poetry. We do not hesitate to affirm that our Church might have drawn from Sanskrit literature her formulas of a man's duty to God and to his neighbour. And surely this does not render them less but rather more venerable. Like the precepts of Socrates, these are now stamped with the signature of Christ, but they were no more new to the world than God was, when Christ preached them, a truth which he himself continually proclaimed.

We pass on to the every-day social life of the men described in these pages. In the piece called "the Deserted City" we catch a glimpse of them in their homes. Before Pompeii was, the deserted city of Ayodhya was painted in immortal verse, in a lament like a lament for Capernaum, a city chosen once to be the home of a God, now empty and desolate as a forsaken nest. The towers are fallen and creepers cover the marble ruins. Arch and dome are there, and within the floors are of marble and the walls frescoed with life-like scenes. Ranged in marble halls are statues of marble, tinted like life, as were those of Greece. There are shady gardens with beds of gaudy flowers, and peacocks stalking among them. In the gardens and in the streets are women, not yet immured from the light of day, but making music with their ever-tinkling zones—their dyed feet staining the marble floors. Elsewhere we have a wedding, with banners overhead and flowers strewn under foot ; and the funeral pile and burning of the dead : and in Kalidasa we have the "Suttee", when Reti vows she will die on her husband's pyre, and find it softer than a bed of flowers. The gay bazaar is painted, the boats on the river, and the public gardens "filled with glad citizens." Girls are bathing in the river, laughing and throwing water over each other. Lovers are playing like kittens, then as now :

Then would I pluck a floweret from my tress  
And beat thee till I forced thee to confess :  
While in my play the falling leaves would cover  
The eyes, the bright eyes, of my captive lover.

and in the moonlight, maidens are walking together, telling each other the stories of their loves. We have "hermit maidens" too, whose life is passed in comforting the mourners, tending their flowers and feeding the birds. The sportsman is here, the mighty hunter with his trained elephants; and we have a vivid picture of war and all its horrors. There are cavalry and infantry and scythed chariots and war-elephants:—and the war-cry, scarcely heard above the din of battle. There are archers,

And every arrow bore inscribed a name  
To tell the wounded chief his foeman's fame.

The banners are inwoven with devices of animals, and in the sharp quoit-like rings we recognize weapons characteristic even at this day. The battle itself is described, and deeds of chivalry—the brave man sparing his fallen enemy and bidding him breathe and rest—and the horrors of the field when all is over and death holds high festival. The time of peace is pictured also no less clearly. As subjects under law we see men submissive to taxation, which is compared to the sun which drinks the lakes

But gives ten thousand-fold the wealth he takes.

King Dilipa is the author of vast works of irrigation, and in his realm theft is only a name. He is the founder and cherisher of cities and villages, and is accessible to his humblest subjects. What can be more natural than the condescension with which, as he drives through the country with his queen, he questions the country people as to the names of their plants and trees? In the fashion of dress we recognize features still unchanged,—the painted eyes and feet—flowers in the hair—the arms weighed down with bracelets—necklaces of pearl—and gems on the fingers.

This brings us to remark upon the social position accorded to women in this primitive age of the eastern world; and we are bound to confess that, judged by a modern and Christian standard, here is the great blot upon Hindu morality; a blot, as we believe, dark enough, and of an influence wide and subtle enough, to account, when taken in connection with the after flood of Mahomedanism, for the present state of the Hindu mind, degraded and priest-ridden in spite of an inheritance from a far antiquity of the noblest system of morals. We see indeed women still free, not buried with a cruel Mahomedan jealousy; but we also see the insurmountable obstacle to all ennobling influences, in the open recognition by the highest authority of a system of concubinage. We have drawn the impossible picture of the husband with his one wife, his com-

panion and the sharer of all his fortunes, and at the same time with his harem in the back-ground. Of the faultless Dilipa it is said without thought of apology, in speaking of his queen,

And if his love was shared by girls besides,  
She and dear fortune were his only brides.

Yet in another place the same king and queen are declared,

True as the love-birds, in whose faithful breast  
Save of their partner not a thought can rest.

So again the devoted love of Aja and Rama for their wives is made compatible with the same debased view of the majority of the sex. Marriage is indeed a religious ceremony, honored by rites and sacrifices, and we have a marriage scene which in all its principal features, in all that is poetical, that is, all that is essentially human about it, might pass for a description of the wedding of a Christian princess, but how different a view is taken of the bond! What faithfulness can we call that which is thought compatible with the transient amours of many mistresses? In these poems there recurs continually the purely oriental trait of the choice in marriage resting with the woman, as in the stories of Aja and Savitri; but we should have thought it small recommendation of one of the rival suitors to tell the maiden of his moonlight rambles with "his loves."

Let us notice however the significant fact that there are traces of a nobler and more reverent view of woman's position; and that these are found in the older period of the Mahabharata; while the opposite and degrading view belongs chiefly if not entirely to the later poetry of Kalidasa. It is in his Raghuvansa that we have the voluptuous Sultan with his hundred fair ones "all his own"; while in the beautiful tale of Savitri, taken from the Mahabharata, we see strikingly recognized the dignity of woman. It is a woman who prevails with the God for her husband: and throughout the Idyll it is to the nobleness of the feminine character, and to the woman's love and devoted self-abandonment that the attention is called.

We have now finally, to consider that feature of these poems which is the most striking on account of its antiquity and at the same time the most genuine outcome of a poetic mind. This is the intense love and affectionate study of the beauty of the external world. We have to bear in mind the remarkable fact that in the great poets of classic Greece we find no trace of such a feeling: not that it had never dawned upon the Greek mind, for it stands out clearly in Homer, but that it seems to have faded away before a busier civilization. In

the poems before us it grows wild, and wanders over every page in unfettered luxuriance. It is the very air which an eastern poet breathes: he speaks, as it were, in flowers and birds; and the colours and forms of nature are stamped on every line he writes. Nature has revealed herself to him in her fairest form, and he loves her as her favoured worshipper.

We must content ourselves with one or two specimens of the beautiful imagery springing from this reverent love, and the only difficulty is to choose from such a genuine "*embarras des richesses*." The piece entitled "The Flying Car" is perhaps the richest of all in these graces. As Rama floats in the car through the air, with his queen by his side, he points out to her all the charms of the scenery. His rhapsody on the sea is worthy of Mr. Swinburne:

—No bridegroom ever gave  
Close kisses fast as his, whose eager wave  
Drinks up the river's lips, and foaming o'er  
Leaps in a storm of passion on the shore.

...  
See how the billows in their furious swell  
Have cast on trees of coral many a shell,  
That clings to branches with thy lips that vie,  
And there with amorous clasp would cling and die.

And from these beauties are drawn endless and characteristic similes. The lake half-hidden by trees is like the moon half-buried in clouds,—the moon, let us observe, being with the Hindus, as with the Germans, masculine—although the sun is not, as in Germany, feminine. The wild fig bursting through marble pavements, is the anguish that cleaves the strong man's heart. Fire is a god and the wind his charioteer. The mountain is a bull, and a cavern his mouth; and the cloud on his crest is the earth torn up on his horn in fury. The meeting of Ganges and Jumna is the union of sapphires and pearls, of lotus and lily. The mountain spur is girdled by the river as by a necklace of pearls. The crimson beads of dew are like the hero's simile. Nothing escapes the rich imagination here revealed. We hear the whisper of palm trees, the wind laden with odours of flowers, the echo on the mountain. We see the sensitive lotus closing its petals at night, the gleam of torchlight on palace walls, the peafowl in their "green and gold," the startled deer, the stately swan and the "gold-shot" drake. In the deserted city are some exquisitely beautiful paintings of nature, where the spider weaves his web, and the monkey plays in the abandoned palaces, and sloughs of snakes hang on the marble statues. "The Rains" and "Autumn" overflow with similar des-

criptions. But we have not space for further extracts : enough has been said to show something of the spirit of the poems and how much of what is often most interesting in history, that is of national life and sentiment, may be gathered from a source like this ; and enough has, we think, been quoted to illustrate the skill and taste with which the translator has done his work.

We cannot part from him however without offering a suggestion for a future edition of his work, and for the promised translation of the *Ramayana*. The arrangement he has adopted for the few notes which are essential to an *English* reader is, we think, faulty. It is very awkward to be compelled to refer again and again in the course of a piece to the end of the book, to search for an explanation which one may or may not find—for no reference is made, by number or otherwise, in the body of the piece. We would suggest that foot-notes, without in the least detracting from the appearance of the book, would be an immense relief to readers. Also if each poem were headed by a short argument of the plot, much difficulty would be done away, and many would be induced to dip into the book, whom unfamiliarity with oriental legend otherwise renders shy of approach.

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- ART. VII.—1. *On the Geological structure and relations of the southern portion of the Himalayan Range*, by H. Medlicot. Memoirs of the Geological Survey of India. Vol. III, part 2, 1864.
2. *Voyages dans l'Inde, par le Prince Alexis Soltykoff*. Deux tomes. Paris, 1850.
3. *Account of Koonawar in the Himalaya*, by Captain Gerard. 1841.
4. *Report of the Forests of the Punjab and the Western Himalaya*, by H. Cleghorn. 1864.
5. *Moorcroft's Travels in the Himalayan Provinces*. 1841.
6. *Indian Atlas*.
7. *The Capital of India, with some particulars of the Geography and Climate of the Country*, by G. Campbell, c. s. 1865.

IN entering on this article, which professes to give a mere outline of the chief features of interest in and about Simla for a visitor or tourist, nothing strikes one more than the wonderful progress of events which has brought English power from the precincts of the factory of Golgotha (Calcutta) last century to the frontiers of Chinese Tartary, not only of Tartary but also of Central Asia, so that the day is near when the Anglo-Saxon and the Russian are likely to meet at a common frontier, when the interchange of ideas and the spread of traffic, with other influences, will contribute to make the Russian and the English good friends, both co-operating in the great work of diffusing a Christian civilisation over the dark places of Asia. Already, through this agency, the cross is surmounting the crescent in Bokhara and Delhi, and with, we trust, that grand desideratum secured—a good understanding between the Russian and Anglo-Indian Governments,—the Tartar and Rajput will be led to see that the peace of Asia must be kept under the ægis of those two protecting powers.

On a recent residence in Simla, nothing surprised us more than that in a place frequented by visitors for a quarter of a century

there was no guide-book for the traveller, no note-book to direct his attention to points of interest. The following paper is designed partly to supply this need. Restrictions as to space have caused various matters to be left out, but we trust there is sufficient to quicken curiosity—in subjects of natural history,—the Hill men,—the Hindusthan and Tibet Road,—and the tour from Simla to Chini. On the geology of the Himalayas in the neighbourhood of Simla, much valuable information may be found in papers contributed by Herbert and Strachey to the “Journal of the Bengal Asiatic Society,” vols. 3, 4, 11, 25, and the “Quarterly Journal of the Geological Society,” vols. 7, 9, 10, 19; Medlicot’s “Report on the Geology of the Western Himalayas” is published in the transactions of the Indian Geological Survey. Cautley and Falconer’s works on the *Sivalik Hills*, and their fossil *fauna* have created a strong public interest, the Sivalik Hills being shewn by them to form the tertiary strata, of which the Subathu beds constitute the base. Three hundred specimens of fossils were found in the Sivalik range in the space of an hour.

The Himalayas rise from the dead level of the plains as from an ocean. The question is still unsolved as to the causes to which the deep winding valleys owe their existence—whether to an upheaving process—atmospheric denudation during a long series of ages—or fluvial erosion, as in the Sutlej valley. The *Chor* mountain is a case in point; twenty-five miles south-east of Simla, it rises to a height of 11,982 feet, and that near the plains, but it is a problem whether this mountain is owing to a process of elevation or denudation. *Subathu* is noted for its nummulitic strata. On the cliffs near *Kasaoli* are to be seen the well preserved impressions of land plants, leaves, seeds and stems of various species; the absence of gravel shows a peculiarly tranquil condition, while the abundant remains of land plants indicate that they probably grew in the immediate neighbourhood of islands, when the Bay of Bengal rolled up its waves to Kalka.

On the natural history of the Simla range there are various books. *Thompson’s Travels in the Western Himalaya* is an admirable guide to the Botany of the Himalaya, as are also *Royle’s Illustrations of the Botany of the Himalayas*, *Jamieson’s Report of the Botanical Gardens, North-West Provinces*, 1855, *Cleghorn’s Forest Report*, 1864, *Jacquement’s Voyage dans l’Inde*. Wild thyme is in great abundance along the roads and very welcome for its fragrance. Wild strawberries small in size are numerous in the season. The various species of oak, pines, the cedar of Lebanon, the rhododendrons, the honey-suckle, ferns, cowslips, pinks, gooseberries, pears, strawberries, cherries,



grapes, apricots, apples, and walnuts are deserving of notice. Two species of the Tea-plant were found in the Sungrin valley by Dr. Gerard in 1819. The hill-dogs are covered with black wool, which is sometimes valuable; they are large and very ferocious to strangers, and require to be tied up on their approach, but they are as useful to their owners as shepherd-dogs in keeping the flocks in order. Each dog has an iron collar round his neck, to secure him against the fangs of leopards. Black bears are numerous, but more injurious to fruit than to men. Eagles and kites are in abundance. Lizards are seen in plenty on the rocks; the butterflies are very beautiful, the flies a thorough torment.

The traveller will be struck as he goes along with the wanton havoc made in the *forests*. The Rajahs for a few rupees formerly gave permission to any one to cut down the finest trees, and in the effort to convey them to the Sutlej and float them down, not more than one tree in ten arrived in safety at its destination. The Government has purchased all the forests from the Rajah of Busahir, and a strict Forest Conservancy Department is established, though rather late; the plains will feel the effects of former neglect in the diminished rainfall which will lessen the volume of the large rivers, and in the increased destructive power of the hill torrents, when there will be few forests to moderate their impetus. Trees to line the khuds give shade and protection to the traveller proceeding along precipitous roads. The evils of this *deboisement* have been shewn very clearly in France and Russia.

The northern side of the Himalayas may be generally recognized by the growth of trees, the southern face of the mountains being generally bare and barren; this may be owing to the snow accumulating in winter on the northern flanks, which melting in summer affords plenty of moisture, while in winter it protects the trees from the severe frosts. The dip of the strata being towards the south, the soil is easily washed off the slope on that side but from the disintegration of the northern exposed edges a rich debris of soil is formed.

The *Hindusthan and Tibet road* is a noble monument to the foresight and enlarged views of the Marquis of Dalhousie, who formed the plan of it in 1850 and determined to burst through the mighty barriers of the Himalaya in order to link Chinese Tartary, Tibet and High Asia, with the plains of India. Lord Dalhousie, with that sympathy for the common people which ever distinguished him, had his attention first directed to the subject by the system of *bigar* or forced labor which was extorted from the hill people by their chiefs, who, though delivered by

English power from the Goorkha tyranny, yet like the German princes after Napoleon's time, fleeced their own subjects, while the British authorities, though they protected the chief against foreign aggression, could not so easily protect the people against the chief. In addition to this, the demand for coolies in connection with the new sanatorium of Simla called for the services of thousands who, according to the bigar system, were forced away from their families and the labors of the field to serve often as beasts of burthen to the Europeans, and though, according to the Treaty of 1815, Government were entitled to their services gratuitously, yet they were generally paid, but the money too often was taken from them by the chief.

Lord Dalhousie's view in opening throughout the valley of the Sutlej a route into Kunawar, 200 miles long from Kalka to China, was to commence commercial intercourse with Central Asia and Western China. The trade is at present in the hands of Russia, consisting chiefly in wool, borax, sulphur, churas, tea, minerals, silk. The districts furnishing these articles have had hitherto to send by Leh on the Indus, but the Sutlej valley route is nearer the source of supply, as well as free from the difficulty of high passes. On this road depends, as Moorcroft wrote many years ago, the solution of the question whether the Tibetans shall be clothed with the broadcloth of Russia or of England, whether they shall be provided with domestic utensils of copper, iron and pewter, with implements of iron and steel, with hardware of every description, from Petersburg or from Birmingham.

To appreciate the easy level and safety of this road, we ought to read Gerard's tour, in 1817, along the old road, where the traveller had to walk on a scaffolding of shaking boards along the face of a perpendicular cliff, with no support but a post driven into the rock; in other parts the road was interrupted by fragments of a granite avalanche. On one occasion Gerard writes, "I went frequently up the face of a bare rock inclined at an angle of 20 degrees, and without any cavity for the feet; here the utmost caution was necessary, there being a frightful precipice on the left, and I was often obliged to crawl upon my hands and feet at a very slow pace."

The cost of conveyance to Government in the Hill States amounted to more than 10 lakhs of Rupees previous to 1852, while to private individuals the cost of carriage by coolies from the plains to Simla, 42 miles, averaged 3 rupees for one hundred-weight; it might have been conveyed by carriage 1,000 miles for the same price, had there been a good road.

Major Kennedy of the Engineers, Military Secretary to Sir C. Napier, was the first Superintendent. His principle was to

make the road a level as far as possible—this has been carried out at the maximum gradient of 3 feet in 100, a difficult point when we consider that the Himalayas conform to a system of river basins and dividing ridges which generally extend at right angles to the main chain; the ridges have numerous subordinate ramifications, yet between each chief artery there are four connected chains of mountains from the snowy range to the plains of India, forming the water-shed lines between the Sutlej, Jumna, Ganges and Tonse.

The road had been carried 5 miles beyond Sehwan when the mutiny broke out. The work was not resumed by the Punjab Government until 1862, when the good principle was adopted of abolishing the system of forced labor; the Punjab pioneer regiment was employed, but coolies could with difficulty be procured until their pay was raised to 10 rupees per mensem. In 1863-4 operations were carried on with vigor; 1,600 coolies were recruited from Jullunder and Umballa; 1,000 mules were employed to carry grain and food for these coolies from the plains to godowns established along the road and 1,000 coolie loads of iron and powder were conveyed from Simla to the interior; native doctors and tents were provided for them; but the Punjabis could not stand the climate; many deserted to the Punjab railway and hill-men supplied their places. Major Briggs, the first Engineer on this road, had to go to England in 1852, ill from incessant exposure to the sun. The road was continued and is now being carried on 3 miles beyond Pangi, 210 miles from the plains at Kalka.

The rail from Delhi to Umballa is expected to be opened by the middle of next year, this will bring Kalka at the foot of the hills within 37 miles of railway communication. We have performed the journey in 4 hours for 4 rupees, by post office van, but were there a tram-road on the American plan, the journey might be made with ease in 2 hours, thus enabling the Calcutta ditcher to emerge from his vapor bath and reach Simla by an express train in 2 days. Sir J. Lawrence has accomplished the journey in 3 days, but by means of express trains and carriages.

The Sevalik hills are crossed several miles before coming to Kalka; we then reach an elevated plain composed of loose conglomerate and alluvium, the detritus of rocks; then the line enters a series of indurated sandstone. The new road leaves Kalka to the right and gradually ascends for 14 miles to a gorge in the range of hills extending from the Sutlej to the Jumna; it passes Kasaoli 6 miles on the left and a few miles from the Lawrence Asylum founded in 1847; it winds close under Dugshai, where it was intended to pass through a tunnel 1,900

feet long. Leaving that, it passes the fertile valley of Solon ; skirts the Krole mountain on its southern flank, then through the rich valley of Bhagwin it ascends four miles to Keeri-Ghat, then skirts the volcanic cliffs of Tara Devi,\* and so on to Simla, where there is a gradient of 4 in 100. As the Government in 1866 granted 5½ lakhs to widen and improve this part of the road, it is to be hoped that carriages may soon drive over it in 9 hours to Simla from Kalka. Major Kennedy had completed 46 miles of this 5 feet wide in September, 1850, employing 80,000 laborers, though, according to the Treaty of 1815, the 19 hill chiefs were required to furnish laborers and support them ; but they, like the Zemindars of Bengal, threw all obstacles in the way and did their utmost to make the work unpopular among their subjects. The result was the Government had to pay them out of public funds at the market rate of 2 annas a day. The Government has had to pay heavily for the protection it gave to these hill chiefs, who seemed never to understand that they ought to defray the cost.

From Kalka to Simla the distance is exactly 56 miles ; the route leads through Dhurum-pore 15, thence to Solon 11½, thence to Keeri-Ghat 14½, and thence to Simla 15½,—a road most picturesque and varied in scenery, a level throughout, enabling a person to reach as quickly as by the old road, though the latter is only 41 miles *viz.*, Kalka to Kasauli 8½, thence to Kukurhat 10, to Subathu 9, Haripore 4, Syra 8, (or Subathu to Syra 12½,) Simla 9, but it is steep and therefore progress is slow.

The new road leads, by a route of 56 miles, level enough for a buggy, to Simla, the Indian Versailles. Simla derives its name from *Shyeamalaya*, the blue house, referring to a house of blue slate erected by a fakir on Jako, the first nucleus of the settlement. Gerard passed through it in 1817, but it was an obscure village and had belonged to the Jun Rana whose territory is seven or eight miles from Simla ; it was taken from him in 1815, and given

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\* "This mountain is composed of coralline magnesian limestone of fantastic shape overhanging the road, full of fissures and caverns. They are composed of several of the primary rocks fused into a conglomerate mass. It appears either to have cooled irregularly, or after cooling to have been the scene of fresh volcanic agency, as mass is detached from mass by extensive fissures, the edges of which are not of a sharp or broken appearance, as if caused by fracture from convulsion subsequent to their formation, but rounded, as if the masses had been rubbed against each other. The fissures are in many places lined with crystals of sulphur, iron and other minerals ; mounds of black scorix are also frequent ; here also a bright vermilion powder of considerable demand amongst the natives is found, and at another place quartz veins, impregnated with iron pyrites of a bright golden hue." *Brigg's Hindusthan and Tibet Road*, page 12.

to the Patiala Rajah on account of the assistance he rendered to England in the Nepaul War; and when it was required as a sanatorium, the Rajah gave it back. It is said that an English officer, moving his Gorkha troops from Subathu to Kotghur about 1816, in passing through Simla, then a dense jungle infested by wild animals, was struck with the cool temperature of the place and brought it to notice; but the first house was built there in 1819 by Lieutenant Ross, a thatched bungalow with its walls of spars, grass and mud. In 1822, Captain Kennedy, who was Political Agent at Subathu, built a substantial dwelling which still stands, called Kennedy House. Simla gradually increased until in 1841 there were more than 100 good houses, yielding a rent from 400 to 1,500 rupees annually. In 1825 Lord Amherst visited it, and was the first Governor-General who resided here. Lord Combermere who was Commander-in-Chief came up about the same time. Their example was followed by successive Governor-Generals; Lord W. Bentinck lived where the Simla Bank is now, Lords Auckland, Ellenborough and Hardinge in what is now the Bombay Hotel, Lord Dalhousie in Kennedy House, Lord Canning in Barnes' Court, and Lord Elgin in Peterhoff, Sir J. Lawrence's residence. In 1845 the prosperity of Simla was indicated by the founding of the *Simla Bank* which has a large capital. Simla now has a population in the season of about 14,000 natives and of about 1,000 Europeans, the latter occupying 300 houses, far too many for health or convenience in so limited a space, as the sewage contaminates both the water and air. Simla is overcrowded, and may be called a *chota* Calcutta with all its narrowness and exclusiveness, involving also expensive living, except at hotels. The coolies at Simla as well as the Bunyeas are chiefly Kangra men; the former come down merely for the season, and the latter being all of one class generally combine to keep up prices. Bengalis are here as clerks, but do not like the place in the rains; one of them thus graphically describes his sufferings;—"In these hills there is a specimen of vermin, the same as young lice with wings, they are called *peshus*. In the rainy season they are in abundance; there is no protecting our carnal body from the feasting of those infernal rascals. By their bites they drive a man half mad; even the cleanest beds are infested with these rascals."

A *Municipality* was first introduced into Simla in 1852. The annual funds averaging Rs. 10,000, obtained principally from the 'ground rents' are devoted to roads, drains, forests, markets, bridges, railings, and establishment. Organised arrangements for the sanitation of Simla were only introduced last year. To

meet this expenditure, and the improvements in the main bazar, a 5 per cent. assessment on house property is levied, realizing some Rs. 13,000, and this is supplemented by an annual grant of Rs. 10,000 from Government. The improvements in the main bazar have already cost some Rs. 60,000, a timely and judicious expenditure, for had the bazar remained in its former condition, cholera would doubtless have found a permanent hot-bed in its purlieus. The Municipality is composed of a Chairman, four European and two native Commissioners, elected by the house proprietors, besides the *ex-officio* members; there are eight duffadars, or sanitary inspectors, each in charge of a district, whose duty it is to visit regularly the houses in their beat and report on their sanitary condition.

The Church at Simla was built in 1846 by Colonel Boileau. The success of the offertory in this Church has been great this season; with collections it has realised in the short space of six months 11,500 rupees for religious and charitable objects,—showing that persons going to Simla do not abnegate their duty to be liberal givers. The Chaplain has realised few fees from marriages this year, though there were 70 spinsters at Simla,—how different from Calcutta last century when a spinster on arrival had to sit up the first three nights to hold a levée, and it was thought hard lines, if she had not concluded a match before the close of the second night! Simla has a *Circulating Library*, established in 1854 under the management of a committee; the number of volumes is about 8,000. The income this season was 5,800 rupees, the greatest number of subscribers being 230 though in winter they number only 48; 7,533 works were issued during the season, of these 5,720 were novels, 730 historical, 406 voyages and travels, 47 theological, and 620 miscellaneous. This Library is free from all encumbrances. A Government school attended by 90 hill boys was established 20 years ago, and is the oldest school in the Punjab.\* The flourishing

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\* The English in India ought for their own comfort, even if no higher motive actuate them, to do something to remove the ignorance of the masses, as they have to suffer the effects of the dense ignorance of the hill coolies. Take one or two anecdotes illustrative of this. In 1864 a report was spread in Simla among the coolies, that a child which was in charge of an *ayah* having been lost through her carelessness, as a punishment she was to be torn in pieces by savage English dogs in Anandale; the roads leading to it were crowded with hill men flocking to see the supposed spectacle! No later than last year at another hill station, the ladies could not go to a ball until midnight, as the *Jampanis* had bolted; a report having been spread that the Governor-General was ill at Simla and for his restoration he required oil or *Momai* made from a Jampani's body which was to be obtained by the Jampani being hung from the branch of a tree, a fire being put under him so as to make the oil percolate.

school at Jotog under the Rev. S. Slater will be removed next year into Simla, a great convenience for the inhabitants. There are two old *burial grounds* in Simla which contain the remains of some honored men, but they are consigned to jungle and decay,—should this be so?

Among the earliest tourists to Simla was a Russian Prince Soltykoff, who came out to India in 1841 *via* Suez. He was the first Russian traveller who came to India, and was well received at Bombay by Sir J. Carnac; he proceeded by a sailing vessel to Ceylon, and subsequently visited Madras, Mysore, the Nilgheris, Bangalore, and Calcutta, which he styles the “gloomy capital of India, so like St. Petersburg, with the “exception of its heat and damp; where the life of the English “is such a constant combat with death;” afterwards he visited Benares, Lucknow, Delhi, Lahore, and Ludiana, where he was the guest of Sir G. Clarke, the Political Agent. He writes with admiration of the Sikhs in “all their primitive poetry.” Arriving at Simla in May, 1842, he rented a house of six rooms at the rate of 600 rupees for the season,—very different from the present exorbitant rates. The residents in what he calls the Indian Baden-Baden or Himalayan Carlsbad, amounted then to 50 English gentlemen, and 100 English ladies with their children; and Prince Soltyk off entered with zest into English society; there was at that period neither club nor hotel. He was much amused with the large monkies who used to come in troops of a hundred near his house, but soon worried to the highest degree with Simla, he went into the interior, where the hill men with their curious dances and European features attracted his attention; the women he heard were virtuous, he describes them as “little tempting and therefore little tempted.” He proceeded to Chini *via* the Borendar Pass; the journey was then a difficult one, no trace of a road, nothing but yawning precipices, along which he was carried in a *dandi* amid eternal snows where all was death and desolation. He was charmed with Kunawar and its “secluded valleys where we find ourselves isolated from the world, “where I walked under shady avenues of vines, reposing myself “on the fresh and fragrant herbage, reposing under gigantic “trees amid the murmurs of the limpid streams.” At Chini he was struck with the Chinese features of the people. At Rampur, he found he was only 14 marches from Kashmir, but without an English pass he ascertained he would be cut to pieces by the “ferocious Sikhs.” He performed much of the journey on foot, as the road was not passable for mules, and returned to Simla after a month, when Lord Ellenborough gave a fête to commemorate the deliverance of

the prisoners from the Afghans. He left in November for Delhi, Umballa, Ferozepur and so down the Indus to Europe.

He made a second voyage in 1845-6, visiting Hyderabad, the coast of Orissa, and then Calcutta, where he was well received by Sir H. Hardinge and was the guest of Sir H. Maddock; and thence he proceeded by *palki* to Allahabad, Agra, Rajputana, and Bombay. His book is well deserving of perusal; like other Russians, he sympathised with English social and political life more than almost any foreigners—he remarks on the English in India “holding oppression as a crime the most “unpardonable,” on English women’s courage exceeding any thing which he can fancy. “I have heard of instances of “English women having visited the sacred sources of the “Ganges and Jumna.” But he notices a defect which is now much on the increase;—“The English being very much occupied with material interests, do not much enjoy what is “peculiar to India: in general they despise all that which “differs from the ideas received in their own country; near “English habitations all that which recalls India is carefully “avoided.”

Simla has increased very much of late owing to the location of the Government there during the unhealthy season of Calcutta; this involves an expenditure of three lakhs, but is more than compensated by the increased work which the Heads of Departments can get through in a good climate and the enormous saving in time and expense by having the administrative and legislative offices concentrated round the Viceroy. Business is not now in arrear as it used to be, when successive Governor-Generals new to the country were separated from their responsible advisers. Sir J. Lawrence has therefore rendered great service to the interests of India at large by breaking up the monopoly which Calcutta laid claim to of being *the* Presidency and the focus of public opinion,\* though we could never see what public opinion

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\* Judge Campbell’s pamphlet on the Capital of India has not received the attention it deserves. We quote the following strong arguments against Calcutta being the capital. “No Governor-General for at least a whole generation has spent more than a fraction of his term in Calcutta, except Lord Canning, who was compelled to do so by events and who died from Indian disease, abscess of the liver, as certainly as if he had remained a few weeks longer in Calcutta and died there. A more frightful combination of heat, stagnant moisture and dirt probably does not exist on the face of the earth. Look at the horrible contents of all the tanks and receptacles of the dreadful water which oozes out of the soil and combines with filth and slimy vegetation. The paleness of the European children, as contrasted with up-country children, is remarked by every passer by. The development of the Bengali mind



there was in Calcutta which, however valuable for the Bengal Government, could be any real guide to the *Imperial* Government. It is certainly not that of Bengalees and the handful of European merchants and tradesmen, who, naturally anxious to realise a fortune and retire from a hostile climate as speedily as possible, have neither time nor opportunity to attend to matters relating to other Presidencies.

Simla answers very well for a *transition* state as a seat of Government, but we believe for the following reasons it will not do as a permanent capital,—it is too isolated, too faraway from the influence of native opinion, *i. e.*, of the real natives of the country, the men who will by and bye take the lead, the Sikhs, the Mahrattas, the Rajputs, the Parsees, the Punjabis. During the last season there was not one native of influence and intelligence residing at Simla, and yet we had two English members of Council at the head of most important departments of Government, the financial and legislative, themselves new to the country, without any control of native opinion; surely the mutiny has not taught the lesson that it is safe to ignore native opinion. Simla does not comply with the following requisitions for a capital laid down by Judge Campbell in his able pamphlet, “The Capital of India”;—\* 1, A central position, geographically and politically, and easily accessible from the different parts of India; 2, Within easy reach of the sea, so as to have direct and rapid communication with Europe; 3, Climate temperate, not too damp or rainy; 4, A roomy site to afford space for some settlement; 5, Within reach of the influences of public opinion.

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taking for the most part a purely intellectual direction, the race is not of the same political importance as some other Indian races intellectually inferior, and is in no way a normal specimen of the natives of India, from which the Government can safely judge the tone of the remainder. There seems a want of practical aptitude about the Bengali intellect and character. Bombay is beyond all doubt destined to be the port of India. Instead of the present great route from Calcutta to the Upper Provinces, the grand route will be from Bombay through Central India to the Upper and Northern and even Eastern Provinces and the second important route will be from Bombay to the South. Bombay and not Calcutta must then be the main starting point and basis of military, commercial, industrial and social enterprise in the interior of India. Calcutta will then be only the prosperous capital of rich Bengal. Capital or no capital, the moment the railways from Bombay are open, the whole of our military arrangements (as of every thing else) must be inverted, the European troops for the supply of the whole of the interior of India arriving, and departing by Bombay, which is not only so much nearer to England, but will be also more and more convenient to all the great stations of the north, the centre and the interior of Peninsular India. The Calcutta route will only be used by a regiment proceeding to garrison Fort William.”

The view of English tradesmen in Simla suggests a question, on which much has been written both in England and India,—the field opened in the hills for European colonization,—a measure certainly desirable if practicable—but where are the waste lands? One has only to see the crevices and crags brought into cultivation by the hill men to be convinced that the beef-eating, beer-drinking European could not afford to compete with them; besides, what would he and his family do when snowed up for five months in the year? Dr. Cleghorn in his Forest Report remarks on the hill men's cultivation; "Agriculture is capable of little extension from the precipitous character of the hills, and the small proportion of all the available land; all the available ground is laid out in terraces, cultivation is carried on with great care; as soon as the snow melts, the planting commences, and the women are sent out with baskets of manure which has been collected in the lower parts of the house." Capitalists may thrive in certain parts of the hills but colonists cannot; though Simla has been a chosen spot for many years, yet it has no European baker or carpenter or blacksmith, nor could they eke out a living; while a first class native tailor costs only 15 rupees a month, and lives on one-third of that sum, a European has no chance. The chief store-shops of Simla are kept by natives, the only things of which the colonist can keep the monopoly, are European articles on which an enormous profit has to be drawn, otherwise how could he live at the rate of 1,000 rupees a month, when his neighbour, the Parsee, lives on 50 rupees a month. We have one class who would be colonists in this country,—the loafers, but the sooner they are deported the better; India needs European capitalists, if they would come; but not a class of low European adventurers, who generally become noted for their drunken profligate habits and bad treatment of the natives, bringing the European character and Christian name into greater contempt than it has ever been.

Much could be written on the social history of Simla, but we pass on to Chini as we are anxious to encourage all visitors to Simla to go to Chini not only for a tour, but also for health and a view of its sublime scenery. We would first give a few suggestions for the journey, the result of our experience and that of others. Never employ coolies, if you can help it; coolies simply cause delay in procuring them and worry from their lingering on the road; a pony for yourself is cheaper in the long run than coolies, while for your baggage mules are procurable at 8 annas a day's stage and 4 annas for return fare, should you remain at Chini. To bed at 9, up again at 4, then coffee and eggs, and on the march by 5, when the weather is cool and the road

shaded,—take a siesta at midday. Procure a folding bed, metallic cups, saucers and tumblers, matches, and a night-lamp, Never ask a native for a description either of distances on the road or its state, you hardly ever get correct information.

The following is a list of the *Stages* on the road.

*Dāk Bungalows between Simla and Kotghur.*

	<i>Name.</i>	<i>Distance.</i>	<i>Height above Sea.</i>
1	<i>Mahasu</i>	10 miles from Simla	8,200 feet.
2	<i>Phagu</i>	15 —	8,200 "
3	<i>Theog</i>	7 „ Phagu	7,700 "
4	<i>Mutteana</i>	11 „ Theog	7,220 "
5	<i>Narkanda</i>	12 „ Mutteana	9,000 "
6	<i>Kotghur</i>	9½ „ Narkanda	6,600 "

*Road Bungalows from Kotghur to Chini.*

7	<i>Nirit</i>	11½ „ Kotghur	3,012 "
8	<i>Rampur</i>	12 „ Nirit	3,360 "
9	<i>Gaura</i>	9 „ Rampur	6,023 "
10	<i>Serahan</i>	13 „ Gaura	7,200 "
11	<i>Taranda</i>	13 „ Serahan	7,080 "
12	<i>Paynda</i>	5 „ Taranda	7,000 "
13	<i>Nachar</i>	4 „ Paynda	6,920 "
14	<i>Chagaon</i>	10 „ Nachar	7,220 "
15	<i>Urni</i>	5 „ Chagaon	8,500 "
16	<i>Rogi</i>	10 „ Urni	9,000 "
17	<i>Chini</i>	3 „ Rogi	9,069 "
18	<i>Pangi</i>	7 „ Chini	9,000 "

We give now some brief notes we made on our route from Simla to the frontiers of Chinese Tartary, and trust they may encourage many to follow in the same track.

Leaving Simla by the Lukkur bazar and Elysium, we skirt along the back of Jako, the highest mountain near Simla rising 8,000 feet, and pass close to a spur which is crowned by the convent and military offices; two and a half miles beyond Simla, we reach the Mahasu tunnel 550 feet long, made through the spur of a steep mountain. It was excavated in 1852 by the labor of 10,000 convicts and 8,450 free laborers contributed by the chiefs, the cost to Government was consequently only 611 rupees; it would now exceed 15,000 rupees. We soon come to the old road which makes a gradual and very beautiful ascent, passing on the left Sir W. Mansfield's picturesque residence amid lovely scenery, notorious for the miserable Jervis quarrel, and then ascend to the remains of an old forest which may now be called the land of potatoes, as every nook of soil is planted with them by the hill men, who, though fond of eating them, find it more profitable to transport them for sale to Simla and the plains.

The new road to Phagu is five miles longer than the old one, but is exceedingly picturesque, and near Phagu the cliffs have been cut down to the depth of 120 feet. *Phagu* bungalow in the territory of the Rana of Kota, is situated on an eminence commanding, in the morning especially, a magnificent view of the snowy range stretching along the horizon like a grand panorama. From Phagu there is a road passable for mules, leading to Masuri by Synge, Kot Khai, Deora, Chapal, Chambi, nine stages in all, in some parts low in the valleys, but affording an opportunity of visiting Shali, a favorite mountain for tourists.

A winding road leads to *Theog*; part of it has been blasted out of the cliffs which we meet here for the first time. Near *Theog* is a *Killa* or hill fort belonging to the Rana of Theog, which commands a wide field of view. Ten miles east of Theog are the Khit Khai iron mines; like those near Kundrela, they have magnetic iron similar to that found in Norway and Sweden and much prized for its malleability in the Indian market; these mines have been worked for a long time by the hill men; 20 miles east of them are the Shial iron mines which Major Briggs worked in 1854; he states they might produce iron at the same rate as those of Glasgow and of a superior quality.

The road from Theog to Mutteana winds very prettily in the first part through a forest, the next portion is blasted for several miles through the cliffs. About 4 miles from Theog is the spot where a few years ago General Brind's wife met her death. She was sketching on horseback at the edge of a precipice; the horse started at some stones falling from the cliff and through confusion in pulling the reins in the wrong direction, the lady, horse and syce rolled down the khud and were dashed to pieces.

*Mutteana* bungalow is situated in front of a lovely dell; before coming to it, we pass along a road blasted for two miles out of a steep precipice; a 10 feet road now runs along cliffs where formerly a goat could not stand.

The next stage to *Narkanda* is equally picturesque and beautiful; about three miles S. W. of Narkanda is to be seen a small trap dyke in mica schist. The name Narkanda is a corruption of Nagkanda or the head of the snake—serpent worship was common formerly among the aborigines in the Himalayas as well as in Central India and Assam. Narkanda is 9,500 feet high. From its comfortable bungalow of six rooms, there is a splendid panorama of the snowy range and of the valleys sloping down to the Sutlej. Narkanda is so superior to Simla, in health and scenery that it is often resorted to by individuals as a salutary change from over-crowded malarious

Simla; it will be more so when dear bought experience shall have shown the evils of a Simla residence in the rains.

The road from Narkanda to Kotghur passes through a picturesque forest along the northern face of mount *Hatu*. A pony takes one in an hour to within a mile of the top, the ascent from that is precipitous, but the clear view of the snowy range in the morning fully compensates for the labor of climbing this mountain, which is 10,600 feet above the sea level, commanding a wide field of vision, among other things of 50 hill forts recalling the days of feudal oppression and rapine. On the top of the hill are the remains of two forts built by the Goorkhas, when they held the country. At the foot of *Hatu* the new road turns off *via* Bhagi joining the old road near Serahan. This road involved Government in a very heavy expense in blasting operations and bridges, and is now closed; after enormous sums had been spent, the Engineers discovered that the natives would not use it, for though carried over a plateau, it was 23 miles longer than the old steep road by the Suttlej valley, and after all this waste the Government had to resort to the old line which they widened at a cost of only 23,000 rupees. So much for certain English theories about India. The authorities have however learned by experience, and the plan laid down for the road beyond Kotghur to Chini is not to sacrifice everything to having a level, involving enormous length, but to improve and widen the old road even though it be occasionally steep.

A gradual descent through beautiful forests leads to Kotghur. We exchange the healthy bracing atmosphere of Narkanda for the heat, damp and mist of Kotghur (we refer to it in the rainy season); and after passing a tea plantation more beautiful to the eye than profitable to the owner, we proceed by a narrow path to the Dâk Bungalow 3,000 feet below the level of that at Narkanda.

*Kotghur* is a village inhabited by hill people, but in former years it had a fort occupied by the English with two companies of the Nusseri battalion, commanded by Captain Gerard, who with his brother contributed 50 years ago much accurate information about this district. Like other old Indians of that day, they entered warmly into inquiries on the condition of the hill people. Captain Gerard was another Cleveland in this respect, and his book on Kunawar is still the best guide to the country.

The Goorkhas and Sikhs inflicted much mischief on this part of the country; in the time of the latter, a Kulu man that entered the Mandi district was liable to be cut to pieces, but now all is peaceful;

rice cultivation and trade occupy the people and Kotghur has become a station of the Church Missionary Society, a mission having been founded here more than 20 years ago at the suggestion of W. Gorton, Esq., who contributed 20,000 rupees to the object. He was one of that almost extinct class of Anglo-Indians, who made India the home of their choice and of their philanthropic enterprise, who gave not only their best days but also their savings to the welfare of its native population. There is an interesting school attached to the mission, attended by hill boys, who shew both intelligence and docility, and there are 18 schools in the neighbouring villages; a church is to be erected and a system of itinerancy is to be entered on, though the latter is difficult owing to the physical state of the country.

The Sutlej may be heard roaring at a distance of 4,000 feet below the village, from which a fine view is presented of Kulu and its mountains, which have become British territory since 1845, that fatal year when Kashmir and Ladak were made over to Golab Sing; in consequence cruelty and extortion became rampant and every species of impediment was thrown in the way of trade. An abrupt and pretty descent of 3,500 feet, very zig-zag amidst beautiful woods of pine, oak and yew, commanding a view of Kulu in front, Komarsen to the left and the Sutlej below, leads to the valley of the Sutlej; half way down we cross the Beara stream, the boundary of the British possessions. Though the Sutlej is 3,000 feet above the sea level, yet it has the closeness and damp of the Bengal climate; we in consequence marched through the low part of it by night.

The Sutlej valley, though so interesting to the naturalist and to the lover of grand scenery, seems to be the *ultima Thule* of the cockneys of Simla, who generally end their picnic excursions at Narkanda in view of it. Anglo-Indians have very little of that enterprise of travel which prompts their countrymen in England to join Alpine clubs and to explore all the nooks and corners of the Continent. How the scenery of the Sutlej valley would be appreciated by men of this class. Gerard has given us a very able description of it; he writes: "The scenery of this valley partakes more of the magnificent than of the beautiful: here every thing is on the grandest scale; fragments of fallen rocks of immense bulk hurled from the peaks above, and vast impending cliffs fringed with dark forests, and topped with mountains of indestructible snow, appear on every side; villages perched among the crags without a single patch of verdure around, and now and then a more populous place environed with fields and orchards are what is most common: a solitary house with a small piece of cultivation or a few

" vineyards attached but seldom attracts the eye of the observer. " The character of the Sutlej is more of the nature of a " torrent than of a large river, for its fall in several places " is 100 or 150 feet per mile, and it rushes over rocks with " clamorous noise and exhibits heaps of white foam. In " some places however the prospect is highly picturesque ; " for instance, in the vicinity of Reding, where the ground for " some miles is adorned with smiling fields and flourishing " vineyards and orchards and the finest apricots and apples ; in " places the bed of the Sutlej is broad, variegated with islands of " sand and pebbles and directed into various serpentine channels. " The situation of many of the houses is uncommonly romantic, " upon the side of sunny banks covered with a carpet of " the most fragrant flowers, or in sequestered dells surrounded " with high mountains towering to the skies, some presenting " bare faces of granite or craggy heights threatening destruc- " tion to the peaceful flocks, while others are crowned with " purple snow. The contrast of this with the dark forest of oak " covered with mosses and lichens streaming in the wind, inter- " spersed with the light green foliage of the pine and topped " with yellow covered belts of birch and rhododendron in full " bloom form the grandest scenery imaginable ; in summer the " calm of these delightful spots is charming and it is here " that the rose, raspberry, black currant and strawberry are found " in the highest perfection, upon the banks of limpid streams " that descend from the melted snows."

Nor is this valley to be regarded merely in point of scenery ; it is the great artery which through the Hindusthan and Tibet road is to open out Chinese Tartary to the plains below Simla ; it is now a source of supply for railway sleepers.\*

The Sutlej is the longest of the Punjab rivers ; rising in the holy lake of Mansorawar, its average fall from Kanum to Wangtu is 50 feet per mile, and from Wangtu to Bilaspur the same. Passing along the plains of Tartary it works out for itself a granite bed below the snowy range ; at Bilaspur it is only 1,510 feet above the sea level. A century ago an avalanche stopped the river for a month, and when it gave way the town of Bilaspur was swept away by the torrent. This valley is a valley of erosion, *i. e.*, it has been scooped out by the river. Gerard and Thompson prove this, and traces of it are to be seen in the ground at various heights being covered with pebbles of

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\* See Cleghorn's Forest Report, pp. 55-63, on the principal plants of the Sutlej valley.

granite and limestone and mica slate, with round stones of many kinds embedded in clay.\*

Continuing on a pretty level road by the side of the Sutlej, we come to the village of *Nirat* having 20 houses occupied by Brahman families. The traveller has here to accommodate himself in a large *devatra* or God's house, open to all comers as well as to the weather, and where the God is exhibited on certain festivals; the women may be seen engaged in what is in the hills a common amusement—the sports of the head. The road leads at various heights along rocky banks, the river foaming below with its white muddy waters against the immense boulders which are to be found in all parts of its channel. The valley is narrow and the air close, as may be seen by the simul and pipul trees, which are so common in Bengal, being found along the road side; rice fields are also frequently met with—rice seldom grows higher than 6,000 feet above the sea level.

*Rampur*, 12 miles from *Nirat*, shut in a gorge of the mountain and elevated on a terrace above the Sutlej, strikes the eye with its curious slated roofs and galleries Tartar-looking; the high and precipitous mountains which frown over it leave a passage for the river and for the sun which in November is seen only between 11 and 3. A *Jhula* or suspension bridge, 211 feet in length, connects it with Kulu. The town has a population of 3,000, and carries on a trade with Tibet, Ladak and Kulu, chiefly in shawl wool; it manufactures white soft shawl cloths. There are fairs held here in November and May. Spiti ponies, wool and *Rampur chuddars* form part of the trade; commodities from Spiti, Yarkand, Tibet are transported to it and are exchanged or sold to the merchants from the plains. Captain Lang in his report states, "In November there appears to be one continuous flock of millions of sheep and goats extending from *Rampur* to *Pangi*, and the traveller who in summer had thought the traffic to be nil, would now believe the trade to be of vast magnitude." The Tartar may then be seen putting the wool in one scale and receiving its weight in the other in tobacco or coarse sugar. There is a *mela* held here in December called the *Dál mela* because frequented by one representative from each Zemindar's house armed with a *dál* or shield. The flourishing state of things now under British rule is a contrast to what a writer in 1822 describes. "The marks of Nepal oppression

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\* For further information on this valley consult Cunningham's Notes, Journal Asiatic Society of Bengal, 1844. Madden's Excursion, Do., 1845. Hill Trip, Vols. VI and X pp. 198, VIII pp. 901 and 409, 1861, pp. 481. Asiatic Researches, XV.



"constantly meet the eye, in the depopulated and decayed houses "in Lahul." The opposite side in Kulu still retains marks of former days, when every mountain peak was fortified. The Raja of Rampur, Samshed Sing, lives in a house built in the Chinese style of architecture; he was educated by a Bengali Babu who improved him in English, though his morals suffered.

A mile and a half beyond Rampur is a road bungalow, close and warm at night but situated on the banks of the roaring Sutlej. The ascent commences here. There are evident traces that the ancient river bed was 150 feet higher than it is at present. The road becomes quite steep, in some places overhanging the river which dashes along several thousand feet below; it passes over a steep part called the Goura staircase made with wooden steps to secure the earth; the view is varied and picturesque and we arrive at the Goura road bungalow nine miles distant situated on a well wooded slope, 2,500 feet above Rampur.

Leaving Goura and passing through a forest of oak and deodar, we come after five miles' journey to the steep ravine of Manglad; crumbling mica slate rocks are abundant; the ascent is very precipitous and fatiguing, and at the top we meet the new road from Narkanda, now closed—a piece of engineering folly. When Gerard crossed the rapid torrent of Manglad in 1817, he writes, "a rotten *sanga* (bridge) consisting of ten "fir trees about a foot apart with small twigs and slates laid "across the descent of the stream, was at such an angle that "we frequently slid many feet at a time."

Thirteen miles from Goura is the *Serahan* road bungalow 7,000 feet above the sea level, prettily situated in the midst of a beautiful and well cultivated country, with the snowy range towering majestically in front. There are hot and cold springs situated within a few miles of the bungalow, while the summer residence of the Raja of Rampur is only a mile distant. Close to the bungalow is a stream of most delicious water; a refreshing bath can be enjoyed here, but beware of placing your clothes on the ground which swarms with vermin. The flourishing state of this country now contrasts with what it was in 1822, when numbers of people were driven out of house and home, and had to live under the shelter of rocks near Sehwan. Close to Sehwan is the temple of Bhumi Kali styled the goddess of Busahir. Human sacrifices used to be offered to her before the British conquest of 1815, which stopped Brahminical ascendancy. An old writer remarks, "Beyond *Serahan* none of the Brahman caste could be seen "towards Kunawar, which may account for the superior "comfort and morality of the people."

For three miles we wind round the valley until we come to a stone cross with the initials A. H. L., marking the spot where in August, 1864, Sir A. Lawrence, son of Sir H. Lawrence, met his death, owing to the road planking which rested on iron stanchions giving way, when both horse and rider were precipitated down a gulph, and both met an instantaneous death. Sir Alexander that day rode at a rapid pace on a high whaler, and the timbers gave way under the pressure of both. Since that lamentable event these dangerous wooden galleries have been done away with along the whole road, and instead a solid road has been blasted through the rock which has saved the lives and nerves of many. A few miles from this we come on the old road widened out, full of ups and downs, now in the clouds and again in the valleys, with here and there wooden steps to retain the soil. Ascending a steep and picturesque hill we come to a forest of deodars, which stretches some 70 miles beyond on both sides of the valley, but they are doomed like other giants of the forest to fall before the wood-cutter.

*Taranda* road bungalow, 15 miles from Serahan, is enclosed in a narrow valley close to the Sutlej. Women begin from this place to carry the baggage; they look dirty and ugly. A short distance beyond this, lower Kunawar begins. A route precipitous but beautiful—in parts hanging perpendicularly over the Sutlej—leads over the Saldorga stream to the beautifully situated Poynda road bungalow; beyond it there are some fine shady pine groves and the deodar forest of Sangri. Near Poynda is Wangpo, a large mountain torrent which forms some very fine water-falls, the noise of which is heard at a great distance.

*Nachar* is noted for its fine deodar forests; we found here some trees, four feet from the ground, 24 feet in circumference and probably 250 years old. Black bears are to be met with in the forest. The Deputy Conservator of Forests has his head-quarters at Nachar: travellers can be accommodated as in Nirat in the God's house, which is dry and large. A steep zig-zag and fatiguing descent of three miles leads from Nachar to Wangtu 4,000 feet lower; on the way may be seen one of those slides by which the logs are rolled from the forest into the Sutlej, this one has a slope of 2 miles and then a sheer perpendicular descent of 70 feet into the Sutlej.

At *Wangtu* the river, 88 feet wide and 5,200 above the sea level, is crossed by a wooden bridge, the only one in Kunawar by which sheep and mules can cross, and therefore of vital importance to the trader in wool and grain; it was completed in 1848. After crossing the Wangtu bridge, the road leads by

a wooden gallery (the only one on the route) along the face of a high precipitous and smooth worn cliff, over-hanging the Sutlej. Close to it is the entrance of the Wanger valley which leads to Spiti and the frozen lake; the waterfall here is very grand. On the right we pass a place where the Kunawaris years ago defeated the Goorkhas. The road runs close to the Sutlej until it ascends steeply to Chagaon.\* Urni road bungalow, three miles beyond, is charmingly situated on the side of a hill commanding a fine view of a reach of the Sutlej. At the foot of the road the Miru torrent rolls along its waters, which take their rise in the snows. The road is winding and picturesque; a few miles beyond Urni we see in the distance on the right the Harang pass. But now the great wonder of the hills, in fact of India, arises to view,—the road blasted through the Rogi cliffs for a distance of four miles at an elevation of 10,000 feet above the sea level, a monument not only of the perseverance of the Engineers, but also of the skill of the hill men who during its formation were to be seen perched by hundreds on dizzy pinnacles, boring for blasts, suspended on narrow planks over the abyss or crawling along a place where a goat could scarcely find footing. In one part there is a perpendicular drop of 1,500 feet, with a further steep descent of 2,500 feet to the Sutlej. This may be called one of the wonders of the world in road making, yet few of the English can leave the picnics and dinner parties at Simla for such scenery as is presented here, though the Rogi cliff road rivals Napoleon's *Simplon*. Gerard describes the old road in 1817, as "shocking beyond description, ascents and descents upon rugged stones."

Passing these steep and dizzy paths where the brain reels in looking down, we see on the right the junction of the Baspu with the Sutlej, and come to the road bungalow of Rogi situated at the head of a lovely valley, which slopes down rich in cultivation to the Sutlej. The vine cultivation begins here; there are 18 species of the vine cultivated at Kunawar: formerly 60 lbs. of grapes were sold for a rupee. The apple orchards are very fine. At Kand there occurred a few years ago a landslip, which swept several villages and 160 sheep into the Sutlej.

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\* Gerard who travelled here in September, 1817 remarks, "From Wangtu to Chagaon the road is in some places so bad as to be scarcely practicable for any animal except a goat or a monkey. In a few places, the stones, which project hardly two inches from a perpendicular rock, form the only resting place for the foot, whilst on the other side is a steep precipice. Many a goat and sheep were lost on these roads, in many cases only frail staircases, precipitous ascents, narrow and dangerous ledges along the cliffs."

Beyond Rogi, the road is blasted for half a mile<sup>\*</sup> through very steep cliffs, and we come to a beautiful country, a forest on one side, the snowy peaks on the other and the bungalow of Chini in front. This bungalow was occupied by the Marquis of Dalhousie, when he spent the hot weather and rains of 1854 here with great advantage to his health. It contains ample accommodation for five families. We trust the day is not distant when this may be made a sanitarium in the rains; the blue sky and freedom from the fogs and damp of Simla ought to be a strong recommendation<sup>\*</sup> for it. There is a good road to it of 14 marches from Simla; the journey can be made in 10 days, while a three months' supply of provisions can be easily taken on mules.

Passing through a lovely forest chiefly of Kalmung trees with the Sutlej and snowy range close on the right, the road leads to the Kozhrug, a mountain torrent, and then by a steep ascent to the Pangi road bungalow, perched on an eminence which commands a most noble view; 10 miles distant lies the Kylas mountain, rising straight up from the Sutlej river to the height of 22,000 feet, with its two peaks, it presents a grand sight. According to Hindu myth it is not approachable by mortal footsteps; everlasting snow lies on its summit, while its sides are lined with glaciers distinctly visible from the bungalow. We witnessed the interesting sight of an avalanche rolling down its side. Pangi contains a Buddhist temple, the relic of a religion which for seven centuries was predominant in India.

The Hindustan and Tibet road has been completed two miles beyond Pangi, 209 miles from the plains; blasting is being carried on through the cliffs which overhang the Sutlej; the difficulty of securing labour in this remote district, but above all the want of funds are an impediment to its speedy completion; it is to be hoped that a work which has already cost so much and which can be comparatively of little use, until it taps Chinese Tartary, will be zealously prosecuted. Only 50 miles further work remains, and then Shipki is reached.

Beyond Shipki the routes are passable for beasts of burthen and are now traversed by yaks, ponies and donkeys. We did not proceed beyond Pangi, but the aspect of the country is described as changing, the mountains looking bare and desolate with few trees. The old road leading to Poari, seven miles, crosses the Sutlej by a *jhula* near the *Manara*, or Tibetan monument to dead persons of note; the praying wheel is to be seen. *Kanum* is two marches beyond Chini. The deodar

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<sup>†</sup> See on this subject the "Annals of Indian Medical Science," Vol. I 1854. Report of the Sanitary Establishment for European troops in India No. 1, pp. 73, Calcutta, 1861.

ceases to flourish here; it is the seat of several Buddhist monasteries, one containing in Gerard's time 36 lamas and a convent of 25 nuns. Ksoma de Koros spent four years here. *Poari* is a station of the Moravian Missionaries.\* Beyond *Numgi* the river has a slope of 150 feet per mile; no wonder it pulverises the solid granite.

The Chinese territory is entered by a pass 13,500 feet high leading to *Shipki* which is strictly guarded. The Chinese have regular and rapid posts; in order to secure speed they seal the despatches to the back of the rider, so that it is his interest to ride as quickly as possible to the next stage in order to be relieved.

The traveller now, owing to Chinese exclusiveness, cannot proceed beyond *Shipki*, a populous Chinese town 10,600 feet above the sea level. Guards from Lassa watch the post. Here broad tracks are met with, formed from the most ancient times by the constant passage of horses and other baggage animals; they communicate with Central Asia and Western China, and the only difficulty they present is that incidental to thinly populated countries at a general elevation of 15,000 feet. But the day is not far distant when this barrier will be broken down through combined Russian and English influence. Three years ago Yarkand and Koten, Mussulman states, threw off the Chinese yoke and this must lead to good.

England has scope enough in her 200 millions of Indian subjects, and with Russia must mainly rest the task of preparing the way for commercial intercourse between Central Europe, Central Asia and the countries north of the Himalayas. Nor need this be viewed with jealousy. As Mr. Forsyth, the Commissioner of "Jullunder, remarks:—Russia, when seen nearer, is not to be so much dreaded as a rival in commerce. There are causes at work in the abolition of serfdom and the general movement in favor of liberty, which will give ample employment to all their factories and merchants, to supply the newly stimulated wants of their own countrymen, so that little will be left to export for sometime to come. Already English merchants are spoiling their trade by entering Asia from the Black Sea." As early as 1821 the Russians were known on the confines of Busahir by the name of Droos, and an active trade was then carried on between the Russians and Ladak, *via* Yarkand. Russian felt, beads, combs, amber, clothes and leather found their way to Busahir; Russian toys were occasionally to be seen at the Rampur fair, as well as

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\* Recently established. A school has been founded and the Missionary has secured the confidence of the people by the medical aid he imparts. There is another mission at Kyelang in Lahul, where the Missionaries itinerate in the summer and work two lithographic presses in the winter.

Russian gold ornaments in the Subathu bazar. It is proposed by the Punjab Government, in order to give England her due share in this, to establish a fair at Chango on the frontier, but the carrying out this and other plans depends on the completion of the Tibetan road.

The vine trade might be made a profitable concern here; there are 18 different kinds of vines cultivated, and in Gerard's time about 1821, grapes used to sell at 70 lbs. for the rupee. Apples grow at Jagnee equal in flavour to the Peshawar ones.

We trust this route we have sketched out will be ere long a beaten track, especially by invalids. The beauty of the climate of Chini is in marked contrast with that of Simla, which, though excellent in the hot weather and after the rains, yet bears a bad character during the rains. So long ago as 1851, Dr. Grant, Lord Dalhousie's physician, thus reports of Simla:—

“The deep ravines and water-courses which intersect all the hills, are dry during the greater part of the year; the heated air ascends from their confined gorges, bringing in the rainy season dense clouds of mist, which are doubtless excellent media for the transmission of the miasmal exhalations that are generated in such places by moist warmth acting upon an abundant vegetation. The nights are cold as well as damp, and exposure to the night air causes hepatic congestion and functional derangement. Few persons escape an attack of diarrhoea called in slang phrase the “Simla trots.” The cold moist atmosphere and the great and sudden vicissitudes of temperature by which perspiration is checked, leading to internal congestion, large and impeded circulation in the liver and functional derangement of that organ; there is in these hills a malarious atmospheric taint; there prevails a severe colic which attacks natives, chiefly the Dhobees of Simla, whose occupations lead them to visit the water-course of the deep ravines in this group of hills. Dr. Watt ascribes it to intense miasmal poisoning of the blood.”

The remedy recommended to invalids by Dr. Grant is to spend the rainy season at Chini; he thus writes respecting this question:—

“It is well known that the results of the various convalescent depôts has been disappointing. My own impression is that, to render the sanatory experiment completely successful, we must advance further into the interior of the Himalayas; and instead of confining the stations to the mountain ranges that border on the plains, where the climate and vegetation have much of a tropical character, we must advance beyond the influence of the periodic rains to the vicinity of the

"snowy ranges, where we possess a climate as bracing and as healthy as that of Switzerland with a soil equally productive, and scenery equally grand. At a distance from Simla of less than 100 miles in a direct line, and only 140 miles by the old route, we find in the interior of Kunawar elevated and temperate slopes on some of the vast mountain ranges, which skirt the right bank of the Sutlej, and these sheltered and comparatively fertile spots are now being made accessible by means of the new Hindusthan and Tibet road; instead of an atmosphere super-saturated with moisture and gloomy and depressing, we have here throughout the whole hot and rainy seasons of the plains, a climate, dry, elastic and invigorating; the sky is generally of a clear azure colour, and when mists arise they are attracted by the lofty snow-clad peaks, and rarely descend into the valleys; the showers of rain are few and gentle, and besides this almost complete absence of humidity, there is no evidence of miasmatal contamination.\* The climate is powerfully tonic, appetite and digestion are improved, the languid pulse increases in force, the tone of the mind is restored, and there is a buoyancy and elevation of spirits, and a lightness and freedom about the chest which we rarely feel in the plains; instead of the slow and uncertain convalescence at Simla, where we experience all the disadvantages of humidity in excess, there is immediate and manifest relief from the change; we are stimulated to bodily exercise, and so dry is the climate and so modified is the temperature by the proximity of the snowy ranges, that we may expose ourselves both by day and night with impunity; even the shade of a tree forms a cool retreat, and most travellers have no other protection than a small flimsy tent which when rolled up does not form a coolie's load.

"In fact it were difficult to find a climate more congenial to the feelings or more calculated to restore the invalid, and as yet the results of experience fully warrant the warmest eulogy of it; for cases of chronic bowel complaint, and that large class of rheumatic and syphilitic affection, which is rarely benefited and often aggravated by residence at our

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"\* In 1849 I suffered at Simla from repeated attacks of intermittent fever, and also from the expense of the place; next year at Chini in Kunawar I had, although thus pre-disposed to both diseases, no attack of either. I found that the fresh grapes had a decidedly astringent and alterative effect on the system. I may add that on the summit of the same mountain, on which these grapes are grown, there is a perpetual supply of snow in places easily accessible; a coolie will bring the day's supply every morning."

“ present hill sanatoria it is admirably suited,\* so also with  
“ cachetic subjects, and those suffering from periodic fever  
“ and its sequelæ; the only exceptional cases could be diseases  
“ of the heart, and a few of the lungs, when the stimulus of  
“ a rarified atmosphere is injurious.

“ When this magnificent region, as yet little frequented, has  
“ been made easily accessible, it is much to be desired that  
“ *a convalescent dépôt should be established in it.* There are  
“ few obstacles in the way of such an experiment; the additional  
“ expense to be incurred by its remote position, would be  
“ fully counterbalanced by the favorable results that might  
“ be confidently anticipated; supplies that are now dear will  
“ be cheapened by the opening out of the new road; wood is  
“ plentiful on the spot; water is good and abundant, the rivulets  
“ being numerous and never drying up, as at Simla; the soil  
“ is rich and produces as fine vegetables as I have ever tasted.  
“ Some of the mountains have a moderate slope towards the  
“ Sutlej and are laid out in a terrace cultivation. Here every  
“ variety of temperature is within easy access, for in the lower  
“ lines of terraces near the banks of the river the climate is as  
“ warm as the plains, and thus in the ascent of one mountain  
“ side there may be observed two zones, the plantain at the  
“ lowest level, about the centre the vine, higher still the apricot  
“ and peach, and highest of all the bramble-berry, and the rough  
“ thorn bush which last spreads its prickly arms on the verge  
“ of the snow line.

“ The vine grows luxuriously in the open field, and considering  
“ how little can be bestowed on its cultivation, it is surprising  
“ that the grapes should be so large and luscious as we find  
“ them; there are about ten varieties, and they are so plentiful  
“ that a basketful may be purchased for a few annas. For  
“ the invalid they would be a valuable article of food and  
“ it would not be difficult to prepare from them a very tolerable  
“ wine for ordinary use.

“ I will here conclude with the expression of my opinion that  
“ it would be scarcely possible to over-rate the boon both  
“ to officers and men of the establishment of a sanatorium in  
“ Kunawar, as an auxiliary agent in the cure of many cases  
“ of functional disorder and chronic disease, for which the  
“ humid climate of our present hill stations has been found  
“ after many years' experience to be wholly and decidedly  
“ unsuited.”

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\* At Chini and Kunawar in July, August and September, 1859, the mean daily temperature in an unsheltered tent was 64, 32, 69, 34, 35.



These remarks of Dr. Grant were written 16 years ago. The increasing insalubrity of Simla in the rains,—cholera and typhus being likely to be endemic in it—the over-crowding of Simla, making it a Chowringhee in the hills with all its unhealthy dissipation,—the completion of a splendid road to Chini at a heavy expense,—the new features of interest presented by a country on the borders of Tartary, one of the last refuges of Indian Buddhism,—all call for a consideration of the question of a small sanitarium at Chini. Simla answers well for the present as the seat of Government in the hot weather and rains, but it is not the place in the rains for invalids; see on this the Report of the Sanitary Establishments for European Troops in India. No. 1. p. 73, Calcutta, 1861.

We conclude this article with a glance at an interesting but obscure subject—the Simla men. When one sees the clear, almost Anglo-Saxon, complexion of these men, one must come to the conclusion that they cannot be the Aborigines of the country; there is evidence in Government reports to show that the hill men are the offspring of intermarriages that took place between Rajputs, who for the last eight centuries have been taking refuge in the hills from Moslem invasion, and the dark races of the Kaits; hence to the present day, the origin of the strong aversion cherished by the hill men towards the Musulmans, like that in Europe of Celt towards Saxon. Many of the Ranas are of Rajput origin. Thus, the Dati Rana's ancestors near Simla came originally from Ajmir, the Kat Ranas emigrated from Gya driven up by Musulman violence and so with many others. They retain traces of the institutions of their original tribes having a kind of municipal system, with Shamelik or village lands and a lombardar or mukhea *i. e.*, *chief*.

Polyandry prevails among the Hill Men beyond Kotghur, but it is on the decline, polygamy often taking its place. One cause of polyandry was that women were too valuable—they were sold to the Zenanas in the plains and as they were worth rearing, infanticide was not very prevalent. The women must have a dull life in winter when the hill men almost hybernate, spending months in eating and sleeping. The chief sign of a cottage being inhabited then is the gur hung on the forks of the trees for the use of cattle. Mothers have a practice when they want to work of placing their children near a stream, the water of which is conveyed through a pipe on the child's head and soon lulls it to sleep.

Of the languages of the men of the Simla hills little is known by any European now residing in the district. Gerard states there are five different dialects spoken in

Kunawar, monosyllabic or dissyllabic, with terminations like the Chinese. Every twelve miles their language varies. Colonel Lawrence, the Commissioner at Simla, mentions in a report of January, 1867 :—"The language spoken in these hill states is " a mixture of Hindi and Punjabee; the language spoken above " Wangtu bridge is Sanskrit Tibetan in character." The following information is cheering with regard to the prospect of clearing up this subject. In September, 1866, the Government of Bengal forwarded a letter from Mr. Beames, Collector of Chumparun, who takes a warm interest in the Indian languages, addressed to the Commissioner of Peshawar to the following effect. Referring to the increasing interest in the castes and language of the hill tribes, shown by the Government of India in offering rewards for proficiency in the languages of the hill tribes of Assam and Chittagong, Mr. Beames, who has devoted many years to languages, proposes to bring out a work on the hill languages of the Himalayas, Chittagong, Chota Nagpore, Assam, and Santal country, with an account of their geographical limits, a grammar and vocabulary with notes on fifty aboriginal languages, and wishes that, as the Government has aided General Cunningham in his Archæological researches, he should be allowed two tours of six months each in two successive hot seasons for linguistic investigation. If this plan be not approved of, he then asks for the aid of the Commissioners and Deputy Commissioners of Simla, Nepal, Darjeeling, Assam, Tipperah, Nagpore, and the Central Provinces to assist him in his investigations. The question is before the Supreme Government now, and we trust that assistance will be given in this work of ethnological research, to which many valuable suggestions have been supplied by Hodgson and Campbell. The Authorities have always shown a deep interest in the hills; as early as 1819 the Government directed attention to the subject of *bigar* or forced labor on the part of troops marching, as it " was contrary to justice and humanity that the " husbandmen of those hills should be compelled to serve as " coolies." The hill men are noted for their fair complexion, *goitres* under their chins and *filthy smells*. Woe to those who are to the windward of them, they are however cheerful, generally sober, honest and fond of their land; hence the difficulty often of securing coolies, who say "we are not beasts " of burthen, why should we carry people?" They sing pretty well; they are fond of flowers and like to wear them in their caps as ornaments; the women are equally fond of flowers in their hair, which is short, and they paint their faces. The men have the custom of whistling for the wind at winnowing

time. They were more *numerous* formerly, as is shewn by many of the deodar tracts being situated on terraces of cultivation which were deserted many centuries ago; small pox was the chief cause of this.

Their religion is Hindu; they burn or bury their dead near their respective villages. Their temples are rather handsome; each god has generally three houses—one for himself, another for his furniture, and a third where he is placed on great festivals. The goddess Kali is most in repute and human sacrifices were offered to her sixty years ago. When a great man in a village is ill, they occasionally send for the god of the next village to be joined with their own god; the priest performs certain ceremonies and the tom-tom is beaten violently for several days to drive the devil, the cause of the disease, out of the man. Their idea of eclipses is that at one time the earth was in great want of atta (flour) which only one doctor could give; the moon entreated him to sell some, he did so, but never got the price from the moon; however, at times in order to make the moon pay her debt, he hides her behind the earth or eclipses her.

In September they have a kind of harvest home festival, when they also commemorate their deceased relatives; they keep a saturnalia during three days, the nights are given up to drinking dancing and revelry of all kinds. Their houses with their projecting balconies and two stories look picturesque on the steep slopes of the hills or sometimes perched on the side of a precipice.

The following document shows the dense ignorance that has existed and still exists among the hill men:—

“ No. 323.

“ To

“ A. Ross, Esq.,

“ *Officiating Assistant Political Agent, Subathu.*

“ SIR,—The Keonthul Rana, in a conversation which I have just had with that chief, having given me information to the effect that a Government Chupprasee named Bujnoo had visited his encampment near Phagoo about a fortnight since, and stated to his followers that the report prevailing at Simla which had caused the panic among the coolies was correct, and that in consequence of the demand by Government of 30 maunds of Human Oil, Colonel Tapp had resigned the appointment of Political Agent, I have accordingly taken the deposition of one of the Rana's followers, whose evidence, (the chobdar's) directly implicates the said Bujnoo, as the promulgator of this malicious rumour. I have accordingly

" to request that you will immediately proceed to follow up the  
" case, the proceedings of which are herewith forwarded to you.

" SUBATHU,  
" *Pol. Agent's Office*,  
" SIMLA,  
" 2nd July, 1841.

} " I have, &c.  
(Signed) " JOHN C. ERSKINE,  
" *Political Agent.*"

We had intended to have given a variety of extracts showing the state of imbecility the Ranas are kept in by their viziers—how infanticide and sati and human sacrifices were practised formerly. But we have reached the limit we prescribed to this article, and must therefore conclude this brief sketch, the collection of the materials for which has afforded us many a pleasant and profitable hour.

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ART. VIII.—1. *The Report of the Commissioners appointed to enquire into the Famine in Bengal and Orissa in 1865. Part, I.*

2. *Ditto. Part II.*

3. "*Corn and Cattle.*" *Edinburgh Review.* No. 251.

4. *Well-Irrigation.*

5. *Agricultural Shows.*

IN reviewing the report on the tremendous Famine that spread far and wide with greater or less severity through Bengal Proper (excepting the eastern districts) two years ago, we have no wish to criticize the acts, the shortcomings, and the tardy measures of public men, or to damage any further the reputations of those, who, until the time of trial came, were considered able and capable administrators. We believe the Reviewer should be silent in the characters of living men, who are still in the scene of action, or silent except to praise.

In this spirit then, we accept the report of the Famine Commissioners as the result of a complete patient investigation by thoroughly competent men, and glancing occasionally only at those parts of the report which contain a history of the famine period, we shall confine our observations chiefly to other portions, relating to the administration under which the calamity occurred, and to the tardy material progress of the country, which, combined with defective executive administration, rendered it at once prostrate and helpless when the hour of trial came.

One of the most prominent facts laid bare by the report is the extraordinary want of knowledge on the part of all officials, (with one or two noble exceptions) of the actual state of the people and country committed to their charge. When all was on the verge of ruin, there was still the greatest confidence amongst those to whom the welfare of millions was entrusted. The cloud in the horizon to them was a trifle no bigger than a man's hand, conveying no warning. There was no one to interpret the sign before the catastrophe was upon them.

It will be our endeavour to enumerate some of the many causes which bring a district into difficulties, to show what are reliable signs of coming embarrassment, and what signs are

apt to mislead the judgment of the district officer, to show how our system and official training is responsible for much that is now attributed to the servant formed by that system; and if in so doing we contract our field of observation, treating of so small a tract as a district, we support our view by advancing that after all a province is but a number of districts,—what occurs in one is repeated with but little modification in all others.

And, as the district is the territorial unit, so is the district officer the unit, in the subdivision of the executive administrative staff. In fact, he is to the Government the eyes to perceive, the ear to hear, the brain to appreciate. The Government must depend on him for its facts. In return he has the hands to execute the commands of Government and the tongue to communicate with the people. He has the entire charge of the welfare of at least a million of the people. The system of Government makes his presence felt even in their social life. His duty and position bind him alike to both the Government and the people. Though he must obey the one, when occasion requires, he should be the strenuous advocate of the rights and wants of the other. With knowledge, tact, and capacity, he is all-powerful for good; without these qualities he is an active instrument working evil both to the Government and to the people. The position of a district officer is a proud position, and we propose to treat him with all consideration and respect.

Lastly, and with reference to the latter portion of the Commissioner's report, we shall endeavour to demonstrate the impossibility of supporting a large and starving population except from the resources of their own country, resources which, though dormant in places, we believe to exist almost everywhere, and to be capable of most elastic extension, and we shall advocate a scheme to develop these resources which we believe will tend much to the material progress of the agricultural country, and to the advantage of the Government whose main support is a land revenue. It is our firm belief that in a backward country, possessing but a skin-deep civilization, with no knowledge of the outer world, and but little of its own, and with a firm faith in the ancient ways, material progress is the basis of all other progress, and should receive the first attention of Government, in preference to the opposing system, preferred for many years, which considers centralization the greatest benefit, uniformity for a hundred races the greatest aim of Government, and a continuous stream of laws, drawn from the codes of thoroughly civilized countries, as the greatest possible blessing to the subject people; regardless of the great fact that where the most

enlightened amongst the people fail to appreciate a system so adverse to their own ideas, every mistake in system or legislation, by removing all sympathy and accord with Government, increases the alienation of the subject races to an extent which is certain to be felt when the time of need arrives. It is no new doctrine that if legislation and system outstrip material progress, they apply to an imaginary, rather than to an existing state of affairs. That Government alone is wise which can foster the latter and restrain the former, adapting the pace of the one to the other, or rather bestowing more encouragement on the advance of material progress, leaving the rest to follow as a natural result and consequence.

There are many guides to the actual prospects of a country with which every intelligent civil officer of a few years' Indian experience should be quite familiar. There is the mechanical assistance of the rain gauge; there are recorded rain-falls of former years which are by no means to be neglected, for the seasons in a course of years work round to a general average; there are the published market rates which show not only where grain is scarce and dear and where hard times are coming, but also where aid can best be obtained; there are the ever present opportunities of intercourse with intelligent landowners, merchants and bankers, who, after their own fashion and from different sources, are fairly informed of the prospects of the agricultural community—probably every merchant or banker has some landed property in his own district, whence he can test his general information;—there are the large staff of Government officials, Deputy Collectors, Tehseeldars, native pensioners, all ready and willing to impart information to the district officer, should he but sufficiently sympathise with them to allow them free access to his presence, but certain on the other hand to retain all intelligence, should the district officer consider, as is often the case, that intercourse with the natives is no part of his duties; and superior to all these is the one unfailing source of true knowledge, formerly so often drawn on but now so often neglected, the personal inspection of his district by the district officer. It does not suffice that he should visit some favourite shooting beat, or some pleasant encampment near some beaten line of road, but there should be an accurate searching visit into all parts of his district. Then, if the officer has the interests of his people at heart, and is not above doing his duty, if he has other qualifications for his post beyond that of seniority only, we feel sure that when the hour of difficulty comes, whether it brings forth a rebellion, a mutiny, an Indigo riot, a rising of the cultivating classes

against their landlords, or a famine, under any circumstances the district officer, who has qualified amongst his people, and not only in his office, will be ready to meet the emergency. His opinion will be respected and his advice followed by his official superiors. Should the reverse of all this be the case, he must accept the alternative of a public commission on his acts and shortcomings, and the shame of a public condemnation.

The roads and streets, the very courts themselves, will all give their separate warnings. There will be a great increase of crime amongst these labouring classes, who in ordinary times are never in contact with the police. There will be stray emaciated children, picked up in the bazars and streets of the large cities abandoned by their parents, who, too poor to maintain their own offspring, rely on the certain charity of some unknown friend for their support. The labouring poor will throng to any public works in progress, or they will emigrate to other districts, seeking for work and the daily bread they cannot find at home. Traffic will sensibly decrease at all ferries and passes, and on the main lines of road. There will not be the usual yearly concourse of pilgrims. The banker will find less employment for his money, as it will be sought for by one class of needy applicants, endeavouring to prepare for the coming difficulty. The middle classes will sell their ornaments and jewellery. The trade in all small native luxuries will cease. There will be less civil litigation. In the interior of agricultural districts there will be a difficulty in obtaining seed grain. The landlord will obtain his rent only through the assistance of the Revenue officers. Plough cattle will be sold to meet the rent. Owners of herds will migrate with their cattle to remote jungles or more favoured districts. Cattle will starve in numbers in every village. There will be sales of the estates of the smaller landowners, unable to meet the expected scarcity. We believe each district is an open book, if the district officer can perceive and understand, if he reads by the light of reason and experience, if he remembers that his post requires an exercise of his executive administrative functions, and not a discharge of his judicial duties only.

On the other hand there are false alarms likely to mislead the judgment of an officer new to his position and his district. It is certain that complaints of no rain and a bad season are generally premature, often greatly exaggerated. Under our peculiar revenue system the interests of the Government and of the landed proprietor are, to a certain extent, conflicting. It is the landowner's interest to conceal his prosperity and



exaggerate his difficulties. As a class they are badly educated, apathetic and improvident. Many are involved in debt, embarrassed for generations by some wasteful expenditure in a marriage, or their substance devoured by parasites or flatterers or religious mendicants, or squandered on dancing girls or wrestlers, or in supporting a state beyond their means. Many, and these are of the most wealthy, are absentees, wasting their lives in the dissipations of the large cities, regardless alike of their obligations to the Government and to their estates, and the many duties of their position. There is no law, though one is much needed, to enforce these responsibilities. They rely on their agents to supply funds for all their wants. The agent, to meet these demands, is driven to rack-renting and the many stratagems familiar to all acquainted with the workings of our Revenue Courts. The agent peculates on his own account, and one and all, the absentee and his agent, the small landowner and the oppressed tenant, are pressing claimants on the Government for assistance on the first symptom of a hard season. If one of these can establish a belief that there has been no rain in his property, he thereby also establishes a belief that he has a claim on Government for assistance.

The solvency of the landed proprietors affects the interests of Government throughout the Revenue system. This is never more apparent than in a season of drought and difficulty. There is no more easy road to ruin than the path always open to the landowner. He is not slow to learn that in his land he has a most valuable security. He can always obtain advances from native bankers to meet his wants and extravagances; for the earth's increase is sufficient to pay the small demand of Government and the surplus should pay any sum the banker may advance were the land but fairly mortgaged or its capabilities fairly stated. But the landowner probably represents the out-turn of some exceptionally productive season as the general average of his receipts, the banker allows a wide margin for these misrepresentations in the rate at which he makes his loan; he is certain of a fair return; he is nearly certain, for he knows his man, of complete possession of the estate at no very distant date. The landowner himself is the last person to take his own apathy and unthriftiness into the calculation, neither does he consider that, though the land is a fruitful source of wealth, it must receive a certain outlay and constant care and attention. He must provide thrifty cultivators. He must spend his capital in improvements and wells, and then only will the land, worked to its full capabilities, be grateful for all assistance and repay the

liens upon it. Failing this, the land repudiates these claims, the owner finds that, as far as he is concerned, he has over-reached himself in his calculations, and his downward course is hastened. The Government demand has to be met, the banker can be staved off no longer, and the season is not quite propitious. These difficulties are exaggerated and every stratagem is employed to obtain help from Government. Ultimately, the climax comes, and the land passes from its reckless owner's hands. He degenerates in the social scale into a tenant at will, and often a rebellious one, in what were once his own estates.

A different cause of difficulties beset the new proprietor. Perhaps his calculations originally were correct, but lands long neglected take years to recover; the old cultivators are at feud with their new lord; the old proprietor probably heads the opposition against him; all attempts at conciliation are rejected; rents are withheld; every art is practised to ruin the new landlord; and he, some money lender probably or some old servant of government investing his gains, discovers that though he has managed all his other affairs with success, still he has not the farmer's instinct to manage land, or the administrator's faculty of managing a large estate and an unruly tenantry. He absents himself from his newly acquired estate, which he abandons to the mis-management and speculations of an unscrupulous agent, and he shortly discovers that the land which he believed to be the best of all investments, is in reality a ticklish property, a constant care, dependent on many aids and conditions to which he is a stranger. In a doubtful season he is the first to anticipate embarrassment. He does not know how elastic are the resources in his power; in a state of doubt and anxiety he rushes prematurely to seek assistance from Government.

This after all is but another page in the same book, capable of being read only by the experienced district officer, but we warn him that his judgment is more called into exercise by the latter than by the former page. There must be no concession made, unless there is a good reason for it. If he yields to one unjust demand for self, deceived by fair words, or over-anxious for the future, he will be bewildered by similar applications. Should he refuse on the other hand to listen to a just demand for assistance, on the principle that all complain and the revenue settlement should see him through all difficulties, he may be surprised and overwhelmed by the tide of disaster and famine. The greatest safe-guard in the district officer's hands is an intimate knowledge of the peculiarities of every tract in his district. The habit of local inspection will

tend beyond anything else to keep him informed of all that is going on, to suggest the right remedy for each individual case. The people knowing he has an intimate knowledge of their wants and circumstances will know that false alarms have no effect upon him; they will also know that when they are in difficulties he will not be deaf to their entreaties.

But if we are right in our belief that this knowledge is a requisite thing for the efficient administration of a district, and that it can only be acquired by patient searching visits into every quarter, we consider the Government is bound to see that it is done and to pay the cost. Here the district officer has a strong case against the Government. In what are called the non-regulation provinces the Government defrays a portion of the officer's marching expenses during his district tours. In the regulation provinces the maintenance of a camp equipage, and the expenses of a marching camp, added to the rent which must be paid for house accommodation in the head-quarters station, absorb quite one-fourth of a district officer's salary during the five months he should be under canvas. This life in camp is the only tolerable period in Indian service, but is it to be wondered at that the officer is not always prepared to incur this great expense? He denies himself a costly pleasure and the Government interests suffer. The Government must open its hand to obtain efficient service. The system cannot be right which gives travelling allowances or defrays the marching expenses of all in the higher and better paid ranks, and denies it to the very class who are the eyes and hands of the Government, and who should be the very first to receive it.

The concluding portion of the first part of the Report which treats of the defective administration of Bengal Proper is deserving of the most earnest attention. It pays a graceful tribute to the works and the memories of a race of administrators long since passed away, and laments the shortcomings of the present generation. But to what is this great difference to be attributed? It is owing certainly more to the system than to the individuals, the servants of and proved by that system. The officials are more numerous than they were in former days. Probably there are as many good men as ever amongst them. We believe, though, that the Commissioners do not state the case correctly, when they assert that there is not the same dearth of administrative capacity amongst the public servants in the more northern Provinces. In them the native executive staff may be more numerous than in Bengal, but there is in both alike the same dull level, inevitable under one uniform system, centralization, and a seniority service.

The old school of successful administrators were men of many gifts and qualifications, with minds pliant and strong, associating much with the people and enjoying their confidence, keen to perceive their wants, apt to acquire knowledge, and able unobtrusively to introduce a sufficiency of English law and system, to leaven the mass of native custom and tradition without exciting their jealousy or opposition. They fully appreciated the peculiar relative positions of the rulers and the subject people. In fact those only became conspicuous who were plentifully endowed by nature with the instinct of administration. The Government of the day allowed them ample scope for their peculiar faculties. In the words of the Report, they did not reign but governed, and in proportion as their sympathies were with the people, did their influence extend, in war, in politics, in civil administration, and for all the purposes of Government.

We have heard them and their system sneered at as being of the patriarchal or the paternal school, but it was this school that furnished Malcolm, Metcalfe, Wilkinson, Low, Ouseley, George Clerk and his many able pupils, the Ricketts and Mills of the Report, Cleveland, Dixon, Cubbon, Sir H. Lawrence, and many others whose names still live in all parts of India. Their fame cannot suffer from the sneers of their detractors. For a few years after the annexation of a new province, they have had a few imitators, but these have soon had to yield all power and individuality, and become assimilated with the system obtaining in the older provinces.

But of late years another school has arisen to whom the former has had to give way. Perhaps some change was inevitable, but it was too complete. These new men have often been men of ability, ready with their speech and with their pens, able secretaries, precise lawyers, accurate and well-ordered. They have from time to time forced themselves into power, and in time have brought forward their own disciples. To them we owe the uniform codes, obtaining throughout all India, and the Revenue Acts which have sapped the rights in landed property, and caused so much dissension and discussion. To their well-ordered minds there is nothing like complete uniformity and centralization. They cannot understand that what suits the mild Bengalee is not perhaps quite the code for the Pathan of the North-Western frontier. What is it to them that there are a hundred races in Hindoostan, each differing from each other as much as a Frenchman from an Englishman; all are to be treated alike, in spite of the fact that the Creator has put them far apart. In Great Britain and Ireland we have not got the same law for English,

Scotch and Irish, for the people and their ways are different, but still there is to be but one law and system for all India, where almost every Eastern nation and even tribe is represented, and where uniformity is nearly as inappropriate as it would be for the whole of Asia.

We believe the truth to be that those of the new school, pure and simple, are essentially narrow minded men, without a spark of administrative genius. If there is no leaven amongst them, they are the persons who fail the Government in times of exceptional difficulty. Many of them have of late years been successful in obtaining high appointments in all parts of India. In all, their capacity has been tried,—by mutinies, Indigo riots, small wars, famines. Not one disciple of this school but has lost his reputation in the hour of trial, and the Government, which failed in its duty to the country in selecting such chiefs, and the whole people alike, have suffered.

We do not advocate the entire subordination of one school to the other. In an immense empire and a numerous service, there is room for both, side by side. Each is the best assistance and support to the other,—but the chief administration should be selected from the one class only. When this is the case we shall hear of less routine, mismanagement, and bewilderment; of some resource in difficulties, and a better stewardship than the pages of the Famine Report describe so justly. We shall hear no more of the maxims of the political economy of the civilised world being offered as infallible to a half-savage, starving country, or lament the blindness to the tremendous fact that God himself has visited the people, altering their whole condition, and placing them far beyond assistance from human theories.

We hear that under the representations of the Commissioners, the staff of the Bengal Government will be recast, equal at least in strength to the staff of one of the minor presidencies. This is most necessary, but it will not be sufficient alone to strengthen the Governor's hands. The system which has been found wanting must be thoroughly changed. It will be necessary to enforce the principle of selection for all administrative appointments, in lieu of the principle of seniority still obtaining throughout India. It must be insisted on that all places are not alike, that all men are not equal, that first on the list is not, from that fact only, the best man for the first vacancy. Ordinary honesty of purpose in making selections for appointments can be relied on only from that chief who is aware that one wrong selection, through nepotism, the stumbling block of many governors, or through seniority the refuge

of incompetent ones, will lessen his power, damage his reputation, and recoil on his own head in time of need. We have seen many Governors of this description, and we hope to see them no more, but we believe they have already done much harm to the service from which they have sprung. It is a service with many dishonest traditions, and we believe the day is not far distant when the highest appointments now open to the service, will be held by nominees from England.

We further hope that the deliberations of the supreme authorities will lead to a division of the services into judicial and administrative branches. It does not follow that an ambidextrous district officer, full of resource and activity and work, with years of experience as a Revenue officer, or as an active magistrate, will make a successful judge. He is far more likely to make a very bad one. The successful judge should receive promotion in his own line, and not return, an administrative chief, as a commissioner. The early years of all civil servants should be employed, as now, in all kinds of official duties.—then they should take their choice of either line and should have their prospects certain, without fear of losing in one line a reputation hardly earned in another. We believe there has been much but desultory striving at times on the part of Government, to attain to a settlement of this vexed question. An occasion like this Orissa famine should suffice to impress on the Government the absolute necessity of putting its house in order, to decide on the best system of administration, to allot to each class its duties, to select its men, to increase the natives' share in the Government in the subordinate ranks, to harass no more with discussions on land settlements and land tenures, to settle the principles and system of taxation. We believe that at no period of our rule has the alienation between the governing class and the subject people been more complete than at present, owing to want of sympathy, faulty government, headlong legislation, and the shortcomings of Government under exceptional circumstances which have overtried its capacity. To re-adapt and slightly alter a once fulfilled warning and prophecy.\* "The wheels of Government have been moving very fast. "Our presence in India depends in no small measure on "the contentedness and happiness of our native subjects." We hope for lasting benefit to the country and the administration from the sad experiences of the Orissafamine.

The purpose of our writing will be mistaken if it is inferred that we look only to an improved system of administration

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\* Sir Henry Lawrence's Essays.

as a remedy for all disaster. An increase of foresight and resource in difficulties is all that can be expected, with a proportionate mitigation of suffering and saving of human life during the actual calamity, and a shorter stage of reaction before the abandoned famine-stricken tract is again re-occupied. We hope to show conclusively how the only hope for a country is in its self-contained resources, to demonstrate how impossible it is either to feed, or to supply food to the population of a large tract should the earth fail to bring forth her increase; in short, that the mass of the population is entirely at the mercy of the seasons.

We suppose, then, that a famine-stricken tract is 500 miles square. (The actual extent of the tract which suffered from drought and dearth in 1865, was far in excess of this length, though its width might have been less). We further assume that it supports a population of 200 to the square mile, of whom four-fifths or 160 per mile are of the poorer classes who would require support for a period of six months, that is, for the interval between two crops only. These assumed quantities give us an area of 250,000 square miles, and 40 millions of the poorer classes unable to support themselves from their own resources, who must be fed or starve.

We purposely omit any allowance for the various circumstances, differing in every district, which by private supplies, or emigration or other means, may affect these figures. Our readers may insert any modifying conditions. Our data will be found to be a fair foundation, in which any special calculation may be based.

We further assume that this famine-stricken tract is accessible from all sides and at all seasons by good roads, and we suppose that grain can be laid at the verge of this tract all round at 20 seers for 1 Rupee. To transport this grain and deposit it throughout the tract, we assume that the general description of native means are available;—that is, the cart with two bullocks, capable of travelling ten miles a day with a load of fifteen maunds at a daily cost of Rs. 1-8 a day for all charges, including pay of servants, food for the animals, and the wear and tear of cart and cattle. A simple calculation in these given quantities will show that the actual average cost of grain throughout the tract would be as nearly as possible eight seers for the rupee, or a regular famine rate, assuming the food of each person to be half a seer, or one pound of grain a day, the cost being one anna. This gives a total cost of 25 lakhs of rupees a day, or 45 millions of pounds sterling for six months—a sum equal to the entire revenues of the country.

We offer these simple figures for the consideration of those who of late years have stated that the Government in time of famine should support the people. We have purposely under-rated every element in this calculation. It is needless to say that even this state of things would be indefinitely enhanced, if the tract of country was accessible only by the tracks through hills and jungles passable only by pack bullocks, approachable at certain seasons only from an iron bound coast.

We now claim indulgence for inflicting another short calculation on our readers.

We assume that the whole of our tract of 500 square miles is under cultivation, and its produce to be an average of six maunds of grain an acre or 480lbs. At half a seer or one pound of grain a day for every soul in the population, three acres would feed four men for a year, or the whole extent in one season would produce about four and one quarter year's supply for its whole population of 50 millions.\*

Suppose the cultivated area is only  $\frac{3}{4}$  or  $\frac{2}{3}$ rd of the whole, a proportionate reduction would give in one case but three years and six week's supply, and in the other but two years and ten months' food for its population. Let there be a succession of three seasons at all below the average, and exportation of any peculiar grain, that grain being the staple produce and chief support of the country, as rice from Orissa for instance, prices must rise, seed-grain must be used for food, there must be scarcity, and much importation in the fourth season, and famine is imminent.

This then appears to be the state of things before the Government, not in Orissa only, but with certain modifications as regards the greater portion of the country; that famines have repeatedly occurred in India, sweeping off thousands of the people, that there is no enterprise amongst them, or power of foresight, or power to struggle against the evil. They become more apathetic and hopeless as the danger increases, and are stricken down in their villages, sooner than make any exertion for their own safety.

It is also established, that though the richer classes are charitable according to their own peculiar ideas, that is, they feed Brahmins, and professional begging castes, the halt and the blind, they have no notion of organized charity, no

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\* 1 Seer = 2 lbs.

40 Seers = 1 maund = 80 lbs.

1 Rupee = 2 shillings.

1 Anna =  $1\frac{1}{2}$  d.



sympathy for suffering amongst the masses; their care must to a great degree devolve on the Government. And on the other hand, the Government has never undertaken any general system of outdoor relief for the protection of the indigent poor, leaving them entirely to the chance charity of their fellow countrymen, so that there are no centres whence relief can be given, no system which can be expounded to meet any great emergency. All measures for relief have to be commenced again in every fresh calamity.

The third part of the Report contains the commissioner's suggestions and recommendations of the means to be employed by Government to secure some immunity for the people, and to guard itself from direct loss of revenue, and indirect loss by the great destruction of property and the collapse of all agriculture, losing in one season the fruits of many years' progress. Their recommendations may be summed up in a few words,—canals and roads for communications, and works of irrigation. The country must be penetrated in all directions, every natural means of obtaining water must be taken advantage of and improved by the appliances of science, the climate must be mastered, or we shall always be at its mercy. Works of irrigation must be prosecuted, not on paper only but in reality, every stream from the hills must be dammed, and its waters utilized, the abundant supply of one season must be intercepted in its course and saved for consumption at another period.

But the Commissioners only with a loud voice repeat the old complaint, that the great imperative necessity is water. It is the one great invigorator of the soil; it surpasses, and often supersedes all measures; it is the soul of all high farming in India; it is the one essential without which the common wheat-field cannot reach maturity, and if it is within the cultivator's reach, then only is the Government land revenue an easy burden, and its collection a certainty. Everywhere there is this loud cry for assistance, and there is the certainty that generally throughout all India this one great means of aid is untouched.

In parts of India much has already been done. The Ravee, Jumna and Ganges canals are enormous works, but their cost precludes the extension of this system of canal irrigation. The expense of their construction and maintenance admits of them only in a line of country exceptionally favoured by position and natural capabilities. They only can support that greatest of blessings, a navigable canal, at once diffusing fertility along its course, and furnishing at all times means for transporting the surplus of the produce it has given to less favoured districts.

But after all it is certain, as far as our experience has taught us, that after a lavish expenditure and a delay of years our canals are fraught with disappointment. Their results fall short of their promise, no foresight or skill at our disposal seem sufficient to guard against the accidents to which they are liable; their supply fails when it is most needed, they even in some places carry or generate deleterious matter in their waters, and it is certain that no canal can irrigate more than a line of cultivation, narrow in comparison with the whole area needing water.

It will be as well here to allude, as far as they may be applicable to our purpose, to the circumstances of our principal canals. As a financial speculation, the Jumna canals pay the best; the Ravee canal pays  $\frac{3}{4}$  per cent. (12 annas) on an outlay of 160 lakhs of rupees (16 millions) and may be considered at present as the worst investment; but the Ganges canal is the one whose circumstances will be best known to and most interesting to our readers. This canal and its branches are about 800 miles in length. It now irrigates 980,000 acres, and it is hoped, when it is in full working order, that this quantity will be increased to 1,400,000 acres. Let us deal with the larger quantity. It is an area about equal to the whole district of Cawnpore, or a line of  $1\frac{1}{2}$  miles in width on either side of the canal for its entire length. The financial result may possibly be a return of 5 per cent. on the outlay.

It is evident that we can hope for no more canals on this scale. Their great length adds beyond all proportion to their expense. We may have shorter lines formed from dams across the great rivers below the point of influence of the smaller streams and throwing the water into the adjoining district, but we can expect no more than this. Even if there were scope for another canal similar to the Great Ganges Canal, we believe it would be a financial error to undertake it.

But is there no other means of irrigating the country than by securing the outflow of water from the far distant hills, and conveying it in costly canals through the country? We know as a fact, that the water underlays the whole country at a distance of from 14 to 50 feet below the surface, and that this great supply is to this day almost unheeded by the Government.

The native cultivator for many generations has been aware of this national store of water. If he has any energy, and his means permit, his great object is to dig a well, and place the supply within his reach. This well-watered land is a known source of revenue to Government in all land revenue assessments,

but still there has never been any systematic attempt on the part of Government to add to its own wealth, and the welfare of its tenantry, or in fact to enact the enlightened landlord's part and avail itself of the abundant store, placed by nature almost within reach.

The same Providence which has subjected this needy thirsty land to the fierce heat of the Tropics has everywhere supplied the antidote, but under the usual conditions, man must exercise the intelligence and faculties bestowed upon him to make the remedy attainable in time of need, or suffer the inevitable consequences.

Attempts have been made from time to time by isolated individuals, alive to the certain profits to Government and to the people, to induce the native landowner to extend well irrigation, but it is certain these attempts have been conducted on no system, there has been no departmental assistance, and individual exertions declining through want of encouragement have subsided into indifference. The fostering hand of Government was never extended to the scheme, as a scheme, its merits and cost have never been carefully investigated. The truth is, the scheme is far too simple; there is no originality in it. It is thoroughly Indian, it has no attractions for the scientific engineer, it cannot compare with the more imposing scheme of irrigation by canals; persons who have been in a position to speak authoritatively on all subjects connected with irrigation have either passed it by contemptuously, or have paused but to condemn it. We have known it stated by a well known authority that a well can generally irrigate only nine acres of land. The result has been an opinion that such insignificant assistance is as nothing in the great scheme of irrigation, and quite beneath the attention of Government.

On the other hand we confidently advance an opinion that well irrigation has been but very cursorily studied, and has never been understood. The fact advanced that a well on an average can only irrigate nine acres is entirely a wrong conclusion, formed without the requisite knowledge of the quantity of water required for one given quantity of land, or kind of crop, and with no very accurate notion of the cost of obtaining it, or of the capacity and yield of a good well, adapted to irrigation. We hope to show that expenditure on well irrigation can safely be incurred, with a certain profit to Government, that it is the most economical and most certain of all forms of assistance, the best adapted to the wants and conditions of the people, the simplest in its distribution, and withal most manageable, for it consists of an aggregate of detached units, each complete in itself: the scheme can be expanded or made to cease at pleasure, for it is

complete at every stage of its existence, its beneficial effects are almost instantaneous, both to the tenant and to the Government, and there are none of the drawbacks attending the supply of canal water, there is no sandy silt deposited in the fields, no injurious salt washed up from a lower level by infiltration, no rankness and sourness of soil from over saturation, no risk of the supply being cut off, no peculation by canal officials, and an ensuring as well as an increase of the land revenue.

It is no paltry scheme if it ensures even a portion of these great results, and, failing canals, it appears to be the only alternative in the  $7\frac{1}{2}$  millions of culturable acres in the North-Western Provinces alone, which will never be reached by any portion of the Ganges canal.

As we wish to establish the fact that the cost of well irrigation has been much over-rated, we must again inflict on our readers a few simple figures and calculations, on which our views are based, and by which we submit them to be tested.

We treat of the usual native means of irrigation, the water bag, rope and pulley, worked by two bullocks. Setting aside the obvious means at our disposal to improve the power of this primitive tackle, or to substitute superior machinery, we thus place ourselves at a disadvantage at the commencement of our advocacy.

We assume, and it is a low average after repeated experiments, that the water-bag conveys each time 15 gallons of water to the surface, the pace of the cattle to be two miles an hour, and that a well of eight feet in diameter will admit of eight sets of lifting tackle to be worked at once, our working day to be 10 hours, the well to be 40 feet deep, and a double set of cattle to be employed. \*This well will yield 132,000 gallons of water a day.

We place our well in the centre of a square plot of 50 acres, which we propose to irrigate. It will be about 250 yards from the edge of the plot. We assume the land to be good, bearing a fair proportion of various crops, say 20 acres under wheat and 30 acres under lighter crops, all requiring water.

And here we wish, for the sake of the scheme we advocate, that we could subscribe to Mr. Login's estimate (accepted by the Irrigation Department) of ten inches in four waterings for a wheat crop. Our experience is far different. We believe eighteen

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\* We do not wish to burden our pages with a mass of small calculations. They shall be placed at the disposal of any person who may wish to see him, and who will apply for him through the Editor of this *Review*.

inches in three waterings will be nearer the quantity given by all good farmers, who are aware that water must be freely given, and we make no deduction for the saving consequent on the usual winter rain.

We suppose that the remaining thirty acres under light crops will require two waterings, one early and one late, of three inches depth each.

The time required for each watering of the 20 acres of wheat will be 20 days, of the 30 acres of light crops 23 days; and the periods of each watering would be, the first of the wheat from November 10th to 30th, the first of the light crops from November 30th to December 23rd, the second wheat watering from January 10th to 30th, the second for the light crops from February 1st to 23rd and the last wheat watering from that date to March 15th.

There is a mistaken notion that this watering is a costly process. We admit that it takes the time of the men and the labour of the cattle, but we admit no other cost beyond the extra wear and tear and feeding of *working over idle* cattle. The only men and animals used are those indispensable for the various agricultural operations of the land, and as the irrigating season clashes with no other farming operation, the men and cattle may as well work as remain idle. Our meaning will be clear when we state that 50 acres of good land do actually require one plough for every five native biggahs of land, or 2 acres 3 roods 11 poles,—say three acres. This gives 16 pairs of plough bullocks available for the watering season, and this is all we require to furnish a double set for the daily irrigating work, according to the assumed capabilities of our well. If there is a greater preponderance of wheat or corn, or any thirsty crop, then only can the argument of extra cost be maintained. This cost is six annas a day for every extra pair of cattle employed. But the farm will even furnish this supply, for the usual allowance of cattle to each plough is three head. This extra eight pairs would furnish a supply exceeding by one half the above quantities, and would meet every case of exceptional crops requiring greater irrigation.

It is requisite to bear in mind one most important point. The well is not only useful for the growing crops. Should the ground not be softened by rain to admit of ploughing at the appointed season, the well water is available for the purpose. In fact, where there is water at command every precarious element in Indian cultivation is removed.

And here an important comparative calculation suggests itself. It will be granted that a well once well-made requires no

appreciable outlay in repairs, it practically lasts for ever. The case of the canal is different. The comparative figures are—

Value of canal water, ...	2 8 0	Value of well water, ...	2 8 0
Cost of maintenance, ...	1 0 0	Cost of maintenance ...	0 0 0
Profit, ...	... 1 8 0	Profit, ...	... 2 8 0

We will admit of one modification in this. The conditions of the supply are different. The canal brings down the supply and delivers it at the level of the field. The cultivator has to lift it from the well. It would be fair in exceptional cases where more labour is employed in irrigation than the farm requires to be maintained for general purposes, that some compensating reduction should be made in the assessment. In one case the cultivator pays the Government for bringing him the water, in the other the Government makes some allowance to the cultivator for his labour in obtaining it.

No well of a less diameter than eight feet should be constructed. The comparative capacity and working power of large over small wells increases at a greater ratio than the cost. Then a four feet diameter well will admit of but one set of lifting tackle being used; such a well, sunk to fifty feet, with eighteen inches steining, at 20 Rs. per 100 cubic feet for the masonry, would cost 260 Rs. for masonry alone; and perhaps half as much again for sinking and contingencies. An eight feet well with two feet steining, sunk to the same depth, would admit of 8 sets of tackle and cost 620 Rs. for masonry, and 930 Rs. for the entire structure. In addition there would be a charge for drain tile water courses. Supposing the well was erected entirely at the expense of Government, it would represent an expenditure of capital of 20 Rs. an acre, or eight years' water rate,—a profit of more than 12 per cent. This profit would decrease in wells of greater depth, but there would be a fair return up to a far greater depth than 40 feet.

But it is not a portion of our scheme that even this cost should be borne by Government. The landowner can construct a well for little more than half the sum it would cost the Government to make it. The fuel to burn his bricks and lime cost him nothing, and he pays mostly in kind for his labour. There is no scheme of irrigation so much in accordance with native ideas. The owner of a well is thoroughly independent, it is a recognised substantial property conveying a claim to respectability above his neighbours. We can cite a native proverb in our support, curiously showing the line of thought engendered by a tropical sun and a parched up country. It is to the effect "that a man's duty to posterity, and to make his name remembered, is to

"beget a son, to dig a well, and to plant a tree." This very ambition on the part of a native cultivator is a great element in favour of the extension of the scheme. If he has not the capital at his disposal, it is precisely a case when the fostering hand of Government should be extended, and capital advanced to aid him. It should be freely given, for it is advanced on the best of all security, so the terms of re-payment should be easy, by small instalments, and at long intervals; no interest should be charged, for the ultimate profit to Government is sufficient, and this profit is of two kinds—an increase of revenue, and perfect security where before doubt existed. The profit to the Government and the tenant alike commence as soon as the water is reached.

Indirectly also the benefit is immense. Emulation is excited. Wealthy landowners are induced by the example similarly to expend their capital. We know as a fact from documents placed at our disposal, that in one district where 140 wells were made by poorer tenants, on loans advanced by Government, one wealthy landowner has made 40 wells on his own estates, and he is satisfied that he has made an excellent investment of his capital.

It is certain that this great source of wealth to Government has been almost entirely neglected. We believe that during the past ten years, not £50,000 has been thus advanced on loans. Government has made no effort to extend the system. What has been done has been done by the desultory efforts of individuals. It has not even been generally known to the people that this assistance could be obtained. The experience of the past convinces us that if anything results from our advocacy, success will not be attained unless the practical working of the scheme is entrusted to some separate responsible authority.

Let us contrast the conduct of the Indian Government in all matters connected with this question with the course pursued by the Government at home, when the introduction of free trade caused a temporary pressure on the landed interests. The contrast will be more apparent to those conversant with the Indian land revenue system, who will understand the fact that here the Government is not only the supreme power but the supreme landlord, with a direct interest in every acre of land within its territories.

We recommend for the perusal of our readers the article in the *Edinburgh Review*, which we have cited at the head of this article, and to which we have often referred. The author evinces a thorough knowledge of his subject in all its branches, with a politician's insight into the principles in which only progress can be made. His arguments are forcible, clear and

convincing, his style that of an accomplished writer. His words apply to the early difficulties of the small farmers under free trade, and especially refer to the universal want (at that time) of drainage. We want no drainage here, but his words so exactly suit our case, that we quote them unaltered, merely changing one word, "drainage" to "irrigation." He says:—

"The obstacle to the adoption of this practice was, as a general rule, the weakness of the landlords. The irrigation (drainage of stiff clays) was a stiff matter. It wanted a landlord with a strong back, and unfortunately the great bulk of such soils were held by poor men, or men who took little interest in them. To a large extent they were mortgaged. The minister then at the head of affairs, however, understood the difficulties of the case and prepared to meet it. A remedy was devised in the shape of a loan of four millions sterling, repayable by instalments extending over twenty-two years, which was rapidly taken up, and has now, to a great extent, been repaid to the state, after conferring an immense benefit on the community." Can there be any doubt that it is at least equally incumbent on our Government, similarly to devote a certain portion of its capital towards equally effective improvements in its own estates?

And what is the actual condition of the soil in this country, to which we recommend the application of our scheme. It has been worked as it is now worked, for generations. We again refer to the article in the *Edinburgh Review* for a description of a similar state of things in one small plot of land in England, which was purposely neglected for years, and was then in the state which now obtains over at least seventy-five per cent. of the cultivated land in India. What was experiment in our country is in truth the general state of things here.

"Mr. Lawer was prosecuting another series of experiments that resulted in what will prove one of the most important discoveries of modern times. These experiments, extending over a period of twenty-four years, with wheat grown on the same land year after year without manure or the intervention of fallow, proved that soil, under fair husbandry, possessed a national standard of fertility. This standard at Rothamsted appears to be sixteen bushels per acre. Thus is afforded the 'key' as Mr. Thompson terms it, to the mystery involved in the variable term 'condition'—for henceforth we know that land that is thoroughly run out, means land that is reduced to its original standard of productivity. Any condition it possesses in addition to this, be it more or be it less, consists simply of the remains of previous



"crops and previous manurings. It follows that, after any ordinary amount of bad farming, sufficient manure of the right kind will quickly return to the soil, not its natural productiveness, which it is scarcely possible to destroy, but that acquired fertility which we may now describe as good condition, without fear of being misunderstood."

It is to this exhausted land, reduced to this condition of a natural standard of fertility, that the advocates at all hazards of a permanent settlement would assign a Government rent fixed for ever. Fortunately their views have lately been modified by orders from England, that that land is not to have the Government rent fixed in perpetuity, to which there is a prospect of canal water being conveyed at any future date. We maintain, though, that it does not affect the question whence the water is to be obtained. We are no opponents to a permanent settlement where the land has really attained to a condition deserving it, where improvements have been made and the cultivation of a fair proportion ensured. We argue that the extent of cultivation to a certain percentage of the whole area,—the present standard—is not as important a condition, as the certainty of a limited portion.

There can be no doubt that permanent interference in the price of any commodity that can be obtained for money, is mischievous and wrong in principle. We submit that a permanent rent is a distinct "protection" as opposed to free trade, that land rent is not exempt from the general law simply by being land rent. We believe there is no such certain incentive to exertion (and exertion in farming means progress,) as a constantly recurring rent, requiring some effort to meet it.

If Government chooses to abrogate its landlord's rights, it should remember that it should not abrogate its duties, and in this instance the rights and duties are inseparable. There is nothing that keeps landlord and tenant more in accord with each other than mutual exertions for their joint benefit, nothing tends more to separate them, or to leave the tenant shiftless and hopeless, than the landlord's indifference. Gain to the landlord is his great incentive to work and aid his tenant. This is human nature, and it is in no way different where Government is the landlord, working through its servants.

In England, the certain effect of a rent below the capabilities of the land are apathy and neglect on the part of the tenant. The tenant knows that without the expenditure of his labour and capital the land will still meet his rent and support him; his wants are few and simple; he has no wish to increase his substance; there is no pressure to induce him to make the most

of his tenure, and he sinks in the scale, and his land deteriorates. The genuine Irish are undoubted instances of this. The was noticed years ago by a *Review*—the *Westminster*, we believe—in describing first the deterioration and then the progress of the estates of a Peer in the north of England, and the same must be the effect in this country, when apathy and indifference are proverbial, all knowledge backward, energy and enterprise the exception. We wish our Edinburgh Reviewer had the authoritative handling of this and other collateral questions.

Before we dismiss this portion of our subject, we will briefly enumerate the portions of the country in which we would first wish to see our theory reduced to practice. A desultory sinking of wells here and there would bring no practical result for years, each oasis would be neutralised by the long intervals of desert. We have shown how the canals irrigate a line through the country, but in fact, the water courses lead for miles from the main channel, either seeking the heat tracts of land, or skirting undulations in the land, above the canal level. It is in these undulations we would first introduce our wells, for the general water level throughout these lands, and near the utmost reach of the ducts from the canal, must be raised, by the influx of the water which has escaped by percolation through the canal bed. These wells would at once reclaim this lost water, and thus they would become a means for the completion of the object of the canal itself. Similarly, we would ascertain how far the canal water had affected the water level beyond the extreme limit of any channel, and we would skirt the canal country with a fringe of wells; beyond this, we would leave their construction to a separate department.

Then certain rich parts should be selected in which the cultivation should be ensured in spite of adverse seasons. Thus, in the Punjab we would select the thickly populated and well-cultivated Manja districts, as Jullundur, and leave no suitable patch without its supporting well. The effect of a drought in these districts would be tremendous, and were they protected, there would be a store of grain in the heart of the Punjab, to supply less favoured districts. Any one of the arid and sparsely peopled jungle tracts of the Bar country, between Lahore and Mooltan, might be selected as suitable for the extreme experiment of making wells at Government expense. These wells might be parted with to the people as opportunity offered, inducement to purchase being given. The hilly tracts beyond the Jhelum, and the districts underneath the hills would have to rely on dams in the hill streams, or advantage might be taken of any natural features to form lakes or reservoirs. This

might be done in Hoslympore and Umballa, a canal from above Roossen on the Sutlaj might feed Loodianah and Umballa. In Kumal and Delhi there is the canal, and the water is exceptionally near the surface. Rohtuk and Hissar are as hopeless as the Bar, but even they have the canal, where all else is sandy desert.

In the North-Western Provinces a similar course suggests itself. Saharunpore, favourably situated near the hills and with the water near the surface, might be left to take care of itself, even the canal water, with which it is now supplied might be withheld, and sent to some southern district. It could scarcely ever suffer. It could probably always support the neighbouring district of Muzuffernugger. Meerut might be thoroughly protected by wells, and similarly Allyghur, and each alternate district might be protected, or left untouched, the produce of one being sufficient to support the population in its neighbour, in any season of drought.

Behar is similar to the North-Western provinces in every respect, though slightly less arid. Rohilcund and Oudh have a moister climate; water is generally nearer the surface than in the countries west of the Ganges; they might wait, but in all alike, native enterprise, if there is such a thing, should be encouraged. If possible, there should be channels from the canals to pour superfluous water into natural jheels or reservoirs, as a matter of policy those should be first taken in hand, where the work can be most speedily done, or the richest, where most would be lost in famine. The depth of the water below the surface might be ascertained throughout the country, by the agency of the existing executive establishments. I is almost needless to say that our scheme can never apply to a rice-growing country; well water may be the soul of high farming for all other crops but it can never suffice to form the swamp which rice requires.

The influence of the agricultural exhibitions in England has been incalculable, in all matters connected with agriculture.\* The first impulse was given when enlightened legislation freed the corn trade from all shackles, and placed the English farmer on his mettle to compete with foreign grown corn. What was by many considered as the death-blow of the agricultural interests, has in fact penetrated the whole system and forced it to perfection. It brought to light the latent powers of the soil, it applied capital and science to its culture, it introduced new crops and new breeds of cattle, it even transformed the labourer, the farmer and perhaps the country gentleman, from the clods that they were into intelligent members of the community.

But all this has come by slow degrees; small farms were found unprofitable, they could not keep pace with the times, their buildings were levelled, and their land absorbed by neighbouring estates. The land was undrained, the farmer had no capital to undertake its drainage, then Government and Loan Companies came forward to supply this want; surveys were made, the geology of each tract was studied, and capital was advanced on suitable terms to help every operation of the farm. Chemistry was resorted to, pointing out the suitable manure for each crop; the whole earth was ransacked to supply these new demands; mechanical science penetrated everywhere with its improved machinery; schools imparting a purely agricultural education sprang into existence. Improved and varied fodder have tended, combined with intelligent crossing, to produce new breeds of cattle and sheep, and then when there was such keen competition on all sides, and the whole agricultural question in all its bearings and its great success was a common topic amongst intelligent men, the rivalry culminated in these great shows which attract observing people from all parts.

At these shows every agriculturalist is sure to see what will be of immediate advantage to himself, whatever may be his position. He will acquire fresh hints and ideas, and he will advance many steps in the science, for by a course of teaching for years he has been prepared to benefit by what he sees, and is himself some way advanced towards the perfection he sees attained by others.

In this country we have not, as we have already shown, the pressure which is the great incentive to exertion, the shows have not grown of themselves from circumstances combining to produce them, they have required the fostering hand of Government. But too much has been done too quickly. We have tried to spring at once to the perfection attained by degrees in England. There has been no previous preparation of the native mind, or explanation of the objects and aims of these shows. It has been assumed that all these objects and aims will be at once appreciated by the sight of a complete exhibition. As spectacles they have been successful, but the groundwork in the native mind is a void as great as ever. The native is so far behind that he cannot establish a connected chain of ideas between his own actual state, and the appliances in English high farming which he sees in the show yard.

And if he is intelligent and observing, what does he see? English machinery of the most costly kinds, ploughs, cultivators, thrashing machines, and irrigators driven by steam

Perhaps he believes that the greater portion of our cultivation at home is effected by these machines, and making a mental calculation of their cost, he finds they amount to a lakh of rupees, and the value of his own implements for the same operations is about 50 rupees! What he wants, and what he would buy if he could get it, is something a few degrees better than what he has at home. These cheap implements may be in the yard, but the visitor is distracted, amused, or amazed according to his temperament, by the noise and power of the larger engines, and he leaves the place with the impression that, though we may wish to do the right thing, we do not understand his wants, and we waste money in heaping prizes on machines that can be of no practical utility.

To the generality of the English public visiting these shows the machinery department is the great attraction. A scientific turn, a liking for mechanics and invention which is possessed in a greater or less degree by all, is apt to mislead the judgment from the real objects of the exhibition, but those to whom the arrangement of these shows is entrusted, and the Judges also, should imagine themselves in the native's position, they should master his wants and appreciate the means at his disposal, and starting from that point, should frame their scheme accordingly. Having decided that steam driven machinery, and the numerous costly and complicated contrivances for mowing, drilling and reaping, are not required, they should be strictly excluded from the exhibition yard.

As regards cattle, each race should be kept distinct in the prize list. Valuable prizes should be given for quite young cattle, to induce the preparation of numbers; a few only would receive prizes, but the remainder would not be far off, and thus a foundation of superior nurtured cattle would arise, to the ultimate great benefit of the breeder. A well organized system of shows, under some responsible person, and a well arranged and liberal prize list, would be a great assistance to the agricultural interest.

The education department should be called in to assist. A short explanatory treatise, a few simple translations of rudimentary English works on agriculture and agricultural machinery, a few simple lessons in mechanics as applied to irrigation, would go far to impart that elementary knowledge which is so much wanted, and without which a showyard is a meaningless range of cattle sheds, and the machinery department a confusing puzzle.

When all these aids to the land are in satisfactory working order, we believe we shall hear less of famines, and when they do

come, we shall be more prepared to meet them. The people will have risen above their present low estate, they will have more self-reliance and power to help themselves. We are reminded of Hugh Miller's lament over the state of the Irish people in the great famine, when the potatoe crop, the food of the country, perished. In his opinion, (and there was no more acute observer,) the mere fact of a whole people living on one article of food, was sufficient to lower them in the social scale. It evinced so much simplicity and apathy, which were sure to affect them to their injury in the hour of need. We saw the whole of Orissa living on one grain, and when it failed, they died. The benefit would be immense if the people could be induced by any means to cultivate some other grain crop, which would reach perfection under circumstances when rice must fail. We have heard that Carolina rice requires far less water than Indian rice. It should be grown, in every district, as an experiment at the expense of Government. The seed of the Karuba tree feeds the rustic population and the cattle also in Central and Southern Italy. The tree grows under many different circumstances of climate and soil. It thrives in rocky countries. It would probably thrive in hundreds of places in India. The bread fruit tree of the Pacific islands might succeed along the coast. Botanists and travelers could suggest many other varieties. Everything should be tried, and some would succeed. Model farms should be established, where all experiments in machinery and crops should be conducted.

The above is a sketch of a few of the facts which to our mind caused some of the disasters attending the Orissa Famine, and a few suggestions for protection in future, to save the Government from being caught napping again, and to furnish food for the people.

There is much which must remain unsaid, there is little novelty in what we have said already. In places, details encumber our pages, but in advocating a new scheme, arguments cannot stand without them. We hope the scheme we advocate may receive a patient consideration, that there may be no opposing prejudice or professional bias. We trust it to the support of the public, hoping for success in whatever merit it may contain rather than from the manner of its advocacy at the hands of an unknown Reviewer.

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## SHORT NOTICES.

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1. *The Elements of Plane Geometry in the Synthetic (Euclid's) Method, but greatly simplified and systematically arranged.* By J. D. Lyons. Nisi Dominas Frastra. Madras: Caleb Foster, 1867.
2. *An Elementary Grammar of the Coorg Language.* By Captain R. A. Cole, Superintendent of Coorg. Bangalore: 1867.

THESE two books have, of course, been sent us for advertisement merely, for the writers could not seriously suppose that we should take the trouble, even if we had the leisure, to read them. We laid aside Euclid some years ago, and do not purpose to take it up again, until our hopeful first-born arrives within sight of the *pons asinorum*. As for the Coorg Grammar, a Calcutta Reviewer can not be expected to know every language under the sun. We must simply acknowledge the receipt of such books with thanks, and trust that the mention of them among the newest publications will satisfy the donors in future.

In the case of these books, however, we did something more; we read the author's preface. A preface at all to a treatise on mathematics was to us almost as great a novelty as the sight of a pious motto on the title-page, and we were therefore tempted to read it out of pure curiosity. But Mr. Lyons' preface did not induce us to penetrate much farther, and we shall be very much mistaken, if those of our readers who meet with the work are not similarly disgusted with the fulsomeness of the egotism which pervades it. We can quite believe the writer of these "Elements" when he says that "what he hopes for it is its introduction by the Departments of Public Instructions in India. This is his high object and aim" in pre-pareing the treatise. And of course we are not going to find fault with such a very laudable object, and only hope that the treatise is worthy of the high destiny which is intended for it. Of course Mr. Lyons says it is, and he has pointed out its merits so modestly himself that we have the less compunction in

foregoing the complete criticism which he perhaps expected at our hands. Modesty is said to be always a characteristic of high merit, and if this be true, the reader has only to glance as we did at Mr. Lyons' notice of his own book to be able to form a just appreciation of its value. We wonder though if the converse of this proposition is equally true according to Mr. Lyons' new and improved method.

"It is unnecessary to dilate on the superiority of my definitions," writes the author, "for that will be apparent in the body of the work. It would be true to say of my definitions that ἀρχὴ ἡμῖν παντός. The common definitions of right angle and perpendicular are theoretic compared with those given in this work." "I may be cutting the Gordian Knot, but necessity has no law." Such is the modest refrain in which Mr. Lyons sings his own praise. Compared with him, Euclid and the rest of the Mathematicians who have preceded him are but as minnows and shrimps to a whale, or rather as jackals to the king of beasts. "It is everywhere taught that parallel lines are lines that do (*sic*) never meet even if produced ever so far, while it is well known that there are lines which can never meet and yet are not parallels." True, but surely Mr. Lyons has overlooked two very important conditions which Euclid annexed to his definition; (1) that the lines must be straight, and (2) that they must be on the same plane. After this rather considerable omission, the reader will perhaps like to hear the author's definition, which is said to be so "superior." Parallel right lines then are defined to be "such as are in the same plane and such as made with the right line joining any two points in them, the two interior angles on the same side equal to a *bisect* angle." That is, he adopts one of Euclid's demonstrations, as his definition. But what, the reader may ask, is a *bisect* angle? This is another original conception of Mr. Lyons' fertile imagination, and we wish him joy of it. It will probably be sufficient to observe that its non-existence is the reason adduced for its conception. But let us hear the definition. "When two sides of an angle are in one right line, the angle is called a *bisect* or neutral angle." Again "an angle greater than a *bisect* angle is called a re-entering angle, and an angle less than a *bisect* angle a salient angle." Surely Euclid is more intelligible than this. But probably our readers have had quite enough of Mr. Lyons' geometry, and we may therefore hand it over to the Director of Public Instruction, as requested, for further analysis. Mr. Atkinson, we are quite sure, will appreciate the modest piety if not the superior demonstration of this new and "greatly simplified method."



Meanwhile we turn to the Coorg Grammar, the preface to which we have also read. And the first thing that strikes us is that, however competent Captain Cole may be to teach Coorg, he is not yet infallible in the Grammar of his own native tongue, and if "the blind lead the blind," the result is generally a very questionable progress. However Captain Cole has not trusted himself far, for the greater part of his preface is really composed of a long extract, borrowed for the occasion from Dr. Moegling's "Memories of Coorg," and treating mainly of fireflies. We can therefore conscientiously recommend this Grammar to the Asiatic Society as likely to prove useful in a naturalistic as well as in a philological sense.

But there is really very much in this little volume which is of value to the student in linguistic science, and which betokens care and industry in its compilation. The vocabularies alone must be of immense service to those, like Messrs. Campbell and Beames, who care to trace the relations of cognate languages. Further on, we have specimens of conversation in four of the Dravidian languages side by side. It is unfortunate that Captain Cole has not adopted any uniform method of Romanizing, but rather trusted to the Canarese character to give the correct pronunciation. This circumstance will detract from its usefulness to those who are unacquainted with Canarese. The language appears, as far as *we* can judge, to be merely a hill-dialect, and it has no written character of its own.

Captain Cole does not advance any theory regarding the people of the little State of Coorg; this is a question which he leaves to "those philologists, better able to draw such conclusions," and we must therefore do the same. But it is not philology alone that will determine the relations of this tribe, and we should have wished to see some account of their physical characteristics. Captain Cole has shown that he takes a deep interest in the people who have been placed under his charge, and that he can employ his leisure with advantage to others as well as to himself. We trust therefore that this is not the last compilation regarding the Coorgs that we shall have to welcome as issuing from the Superintendent's study.

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*How to Develop Productive Industry in India and the East. Mills and Factories for Ginning, Spinning and Weaving cotton ; Jute and Silk Manufactures ; Bleaching, Dyeing and Calico Printing Works ; Sugar, Paper, Oil, and Oil-gas Manufactures ; Iron and Timber Work-shops ; Corn-mills, &c., &c., with estimates and plans of factories.* Edited by P. R. Cola, late sole Proprietor of the Arkwright Cotton Mills, Bombay. London : Virtue and Co., 1867.

MR. COLA is evidently a Parsee gentleman who has visited England and been struck with the remarkable prosperity of her manufactures ; he has become possessed with the idea that it is due to the superior excellence of her machinery, and he consequently in the present work publishes the secret to his countrymen and declares the introduction of English machinery to be the true solution of the difficult problem :—how to develop productive Industry in India and the East. The book evinces considerable observation and research, and we doubt not it will prove a useful hand-book in this country. If every native gentleman who could afford it would go to England and see with his own eyes as much as Mr. Cola has seen, there might be some hope for improvement in the industrial arts of India. If however they are content to see with Mr. Cola's eyes, we recommend them to go and purchase his book.

The development of the industrial arts of India is a subject of such vast importance to the prosperity of the country, that every one who has anything to say about it ought to receive a patient hearing. We cannot altogether agree with Mr. Cola in regarding English machinery as the panacea for all the evils that this country is heir to, that we do agree with him so far as to believe that much may be effected by the introduction of English capital and a judicious application of such machinery as is suited to the country. We are not of those who would startle native ideas by the sight of a steam-plough, and thereby set the bucolic mind against all improvement in agricultural implements. We cannot advocate the sudden introduction of the highest appliances of mechanical science which are totally opposed to the capacities and requirements of a backward stage of civilisation. We would rather work upward, improving the existing means and adapting by slow degrees such inventions as are readily understood and appreciated.

That the industrial arts of India are still in the most primitive stage will not be denied. A large number of them certainly exist, and many possess an excellence peculiar to themselves. Englishmen in Calcutta would be astonished, if they were aware of the number and variety of the different

trades that are practised in the bazars around them. But they would be no less surprised to see the means and appliances with which the native workmanship is executed. They would see the rudest and scantiest of tools, the most narrow and inconvenient of work-shops, an absence of all system, invention, and organization. It is for this reason that we think an exhibition of purely native manufactures would be a great step towards indicating their present shortcomings and requirements, and suggesting adequate and suitable improvements. We are glad to see that such a movement is in contemplation, and if it is only remembered that, to be really useful, it must seek to improve existing appliances, rather than attempt to introduce means which are unsuited to the capacities, the habits, or the raw materials of the country, we believe that great good may be effected by it.

The scope of Mr. Cola's book is sufficiently described on the title-page and it is unnecessary for us to add anything further. Its object is, as we have said, to induce capitalists in this country to establish factories on an English scale, and to afford them the requisite information on various trades. If the work should, as we trust it will, reach a second edition, we would recommend Mr. Cola to insert a brief account of the manner in which, and the implements with which, the different trades are at present practised among the natives. There are also some grammatical errors which at present disfigure an otherwise elegant little work, and which a careful revision might serve to remove.

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*The Englishman in India.* By Charles Raikes, Esq., C. S. I., formerly Commissioner of Lahore, Judge of the Sudder Court, North-Western Provinces, and Civil Commissioner with Sir Colin Campbell. Author of "Notes on the North-Western Provinces," "Notes on the Revolt," etc. London: Longmans, Green & Co., 1867.

To be damned by the *Saturday Review* is perhaps the hardest fate which can befall an author in the present day. It is not only that the *Saturday Review* has a very large circulation, and can therefore make its utterings widely felt; but there is something in the manner in which its condemnation is meted out that invariably makes the sufferer wince and writhe under its lash. The *Saturday's* adverse criticism is rarely conveyed in dubious or uncertain sound; it may be clothed in metaphor; it may be veiled in sarcasm, but its meaning is not to be mistaken. To suit the tone of the *Saturday*, criticism must always be pointed, telling; and if the criticism be unfavorable, the pointedness

naturally degenerates into ill-natured venom. Such criticism is of course not always honest; but that is a matter of small importance. A mediocre review of a mediocre work would certainly not suit the pages of the *Saturday* nor satisfy its readers. The arts of the rhetorician and the special pleader must be called in to give effect. The colouring must be deep and vivid,—Turneresque. It must be remembered that the review will probably have more readers than the book of which it is treating, and these readers must be entertained and amused, even though it may be at the expense of a little truth, and the unhappy author's feelings. And so the result is that he is so handled as to come out of the process—we will not say a little lower than the angels,—but even less than a very ordinary mortal indeed; he suddenly finds himself a byeword and an object of ridicule to others; he begins to doubt whether he possesses even a modicum of common sense, and probably curses the day when the miserable *Cacôëthes* impelled him first to set his pen in motion.

"*The Englishman in India*" was thus damned by the *Saturday Review* a few weeks ago. Its author was held up to public execration as the most narrow-minded sectarian, the most ignorant and inaccurate historian, and the vilest plagiarist that ever breathed. We have not heard whether he has survived the severe flagellation he then received. The poignant satire was certainly sufficient to crush the most magnanimous, to dash the brightest and most sanguine hopes to the ground; but Mr. Raikes may, and for his own comfort we wish that he may, have a soul impervious to the exaggerated hyperboles of the *Saturday's* ridicule. In either case, our task is easy; we should be unwilling to add to the remorse which may have been engendered; while, if the shafts that have been hurled have struck the author harmless, we are quite sure he would be proof against ours; they might be more keenly pointed, they might be driven by a stronger hand, but the poison would still be wanting that would make them rankle in the festered wound.

As we are not however of those who have sacrificed whatever little of individual and intelligent opinion they ever possessed to the dictum of the *Saturday Review*, we have ourselves glanced at Mr. Raikes' little work. And first we must say we were disappointed in the title. Expecting to find a literally interesting account of the English in India at the present day, we repeat that we were disappointed to meet instead with stray chapters from the history of British India. These chapters comprise the lives of Clive, of Warren Hastings, of Sir Thomas Munro, Sir John Malcolm, the Wellesleys, Sir Charles Metcalfe,

Henry Martyn, and Havelock—men, whose stories have been well told before, many of them in a manner upon which it is impossible to improve. No doubt there are people in England who are unacquainted with “Lord Macaulay” and who perhaps never heard of “Mr. John Kaye,” but if these are the readers for whom Mr. Raikes wrote, we fear that their number must be very limited. Certainly any one who has perused the lives of these great men, as portrayed by Macaulay, Kaye, or Marshman, will not care to read Mr. Raikes’ edition of the same stories. The best chapters in the book are the first six and the three last, and they are the most original. Mr. Raikes might, we think, have written a readable and tolerably interesting book, had he confined himself to a description of Anglo-Indian life and his own experiences. As Commissioner of Lahore, as Civil Commissioner with Sir Colin Campbell in the mutiny, Mr. Raikes must have passed through many scenes the account of which would well be worth the telling. But in attempting to write history he has altogether mistaken his vocation. When weighed, he is found lighter than the balances; he is wanting in the first qualifications of the historian, patience, research and accuracy. His book may serve for a while to amuse the residents of Netheravon and some few elsewhere, but in a twelvemonth we shall be surprised if it has not altogether been forgotten.

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THE  
CALCUTTA REVIEW.

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No. XCII.  
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ART. I.—1. *Papers relating to East India affairs, viz., Hindoo Widows and Voluntary Immolations. Ordered by the House of Commons to be printed. 1821—1825.*

A VERY rising statesman, whose tenure of office as Secretary of State for India was marked by vigour, determination, and breadth of view, on one occasion unfortunately let drop some words, which have been the cause of misapprehension and mischief. Our readers will easily understand that we refer to Lord Cranborne's disparaging remarks as to the advantages of British compared with Native rule. If those observations could be considered fairly applicable, in their breadth and literalness, to all native States and to all periods of our administration, the result, logically, would be that, with other things, this *Review* ought to come to a premature end. Every Civilian and every Military man engaged in India in important works of either a judicial or an executive nature, would be simply anomalies. There ought to be no room for either Lord Cranborne himself, or for the vast dependency which he controlled, in an English Cabinet in which the heads of great departments are collected, and merchants and other enterprising gentlemen ought to betake themselves to their ships, and leave India for ever. We must take the remarks alluded to, however calculated to do more harm than good, as let fall in the heat of debate. Taken in a qualified and limited sense, they may not be without their value. They may stimulate men who work in the full light of criticism, to more successful exertions, and they may restrain others who are apt to overlay their canvass with catching and gaudy colours, and of whose highly tinted reports the public is somewhat sated, from a too

free use of the daubing brush. But, in this paper, we shall endeavour to show the results of some of the customs, which a purely native State would reverence, and from what evils a British statesman has, in his day, delivered a conquered and an alien race.

The subject to which we shall devote a few pages is now so old that it has fairly become new. Every one in India, and, we should hope, every Englishman possessed of the most cursory acquaintance with Indian history, has heard of the rite of Suttee. We doubt if there is at present any official Englishman in India, who filled even a subordinate situation at a time when the rite had not been forbidden by law, or who ever witnessed the burning of a woman, as so many active Magistrates did at the beginning of this century, and down to the year 1828. But there must be many natives, in the metropolitan districts especially, and we have conversed with such, who, as young men, went forth either from motives of duty or of curiosity to see a widow immolate herself on the pile of her husband, just as they would now go to see the image of Doorga committed to the waters of the nearest river, or the car of Juggernath leave and return to its yearly resting place. We may fairly quote, with a trifling alteration, Lord Macaulay's "*Virginia*"—

Old men still creep amongst us who saw that fearful day,  
Not seventy and seven years ago, when wicked *laws* bore sway.

The foundation of the present article is a collection of papers ordered to be printed by the House of Commons, at various periods between the years 1821 and 1825. They form a goodly volume of several hundred pages, bristling with figures, statements, remarks, Abstracts, and Resolutions; the latter, unfortunately, being examples of that curious resolution which resolves nothing, and which leaves matters exactly as they are. To say that these papers are ill-arranged and undigested, that they are not printed in the best order, and that the table of contents prefixed to each series is not of material aid in reviewing the whole, is merely to say that they partake of the defects and insufficiencies peculiar to Blue Books. Still further, they abound in errors of the press, and in extraordinary metamorphoses of well-known Indian expressions, to say nothing of the mangling of the more recondite phraseology of the Shastras, such as would almost cause the late Horace Hayman Wilson to turn uneasily in his grave. But, in spite of absurd mistakes, repetitions, and want of arrangement and method, they contain an immense deal of valuable information drawn from the most authentic sources, they abound in unquestionable evidence of the earnestness, the

just views, and the philanthropy of a fair portion of the Company's servants, and they supply abundant matter for the most serious reflection, and the gravest thoughts.

We premise that several readers are aware that the term Suttee, used by us to express the rite, literally applies to the widow herself, who, by burning, becomes *Sati*, or a good woman. It would appear from the valuable materials before us, that about the year 1812, under the rule of the Marquis of Hastings, the attention of the official and the non-official community was first attracted to what Dr. Johnson, in his inflated language, had, many years before, termed the "voluntary cremation" of Hindoo widows. Notices of the practice as prevalent, are, no doubt, to be found in our earlier records. The selections from *Calcutta Gazettes*, published by the Record Commission, contain one or two instructive letters from thoughtful correspondents, who had themselves witnessed a Suttee; and the papers before us show that in 1787 Sir. C. Malet, then our Resident at the Court of the Peshwa, at Poona, transmitted to Government an account by a Mr. Cruso, an eye-witness, of a "Brahmin Suttee," which he found "faithful and interesting."

In the next year, or 1788, Jonathan Duncan, Resident at Benares, similarly addressed Lord Cornwallis on the subject of a Suttee, which had taken place in the neighbourhood of Mirzapore. This case is invested with peculiar horror, because it appeared that the unfortunate wife had been induced by her relatives to burn herself, on a premature report of her husband's death. Hari Tewari, the husband, had been considered accountable for the revenue of a certain village, as he had had it once in farm, and still kept its accounts. The native Collector applied to him for payment of two instalments of the year, was repeatedly put off with excuses, and ended by tying Hari up, and having him most severely beaten with a bamboo. Hari, under the beating, fell down apparently senseless, and a young and rustic nephew carried the news to his house that he had died from the beating, whereupon his wife at once proceeded to immolate herself in the flames of her own house to which Hari's brother and his brother's wife coolly set fire. The upshot of the matter was, that the Resident did *not* dismiss the native Collector for beating Hari, on the grounds that such a proceeding would have produced a "general anarchy, contempt, and defiance of Government," on the part of men of the same caste as Hari in that Pergunnah. The Resident, with astute policy, caused Gridhari and Hari, the tyrant and the sufferer, to be reconciled, and reported the occurrence, together with another case in which a man ripped up his own belly



with a razor in order to spite two opponents with whom he had a quarrel about a sugar mill, in order to give His Lordship "some idea" of the "unaccountable dispositions, and the too general turn of mind of many of the inhabitants of this country!"

The only order passed on the report by the Resident of the above occurrence, which was accompanied by full and detailed depositions of the principal parties, was that the Resident's proceedings were approved.

In the month of February of the next year, or 1789, Mr. M. H. Brooks, Collector of Shahabad, reported that, acting on his own sense of what was right and without specific orders, he had refused to give his consent to a Suttee, and the Government informed him, in reply, that his conduct was approved, but that in future he should exert his private influence to dissuade natives from the custom, and should not resort to "coercive measures," or to the exercise of authority. A hope was expressed that the natives might, in due time, discern the fallacy of the principles which had given rise to the practice, and that it would fall into disuse of itself.

From this time until the year 1812, we have little official light on the subject, except casual and brief reports of the years 1793, 1797 and 1805. In the first year it was merely stated that a woman burnt herself with her husband, who had been killed in a sudden fight. In the second of the above years a Magistrate was again directed to use "every means of persuasion within his power" to prevent a mere child from burning herself. And in 1805, Mr. J. R. Elphinstone, Magistrate of Behar or Gya, without waiting for orders, exercised his authority to prevent a girl of twelve years of age from burning herself, and he stated that both the girl and her friends were "extremely grateful for his interposition." The Magistrate further reported that he was unacquainted with any order or regulation by which such proceedings could be prevented, and asking for instructions, the Government referred the matter to the Nizamut Court to see whether the custom could be abolished altogether; or if not, what measures could be taken to prevent the sacrifice of girls of tender age, or the custom of drugging them previous to immolation. The Court proposed to issue certain instructions, after reference to the pundits, but by some oversight or other, no answer appears to have been sent to the Court until 1812. In the Court's recommendations we have the germ of future orders, and we fear too we must ascribe to the unfortunate turn which matters then took, the delay which intervened and supported the practice for a space of more than 20 years.

In 1812, Mr. Wauchope, Magistrate of Bundelcund, again raised the question, and asked simply what he was expected to do, and the Court then exhumed the apparently forgotten and unnoticed draft of instructions of 1805, when the whole subject received that attention of the Government which had been given either to the war in Java, or to other affairs, or for some reason or other could not be given to the rite of Suttee. We must conclude that, owing to the relinquishment of the reins of office by Lord Wellesley, just about the very time when the Court wrote their first letter in 1805, to the death of Lord Cornwallis, almost immediately after, or in October 1805, during his second administration, and to the wars which occupied the reign of Lord Minto, this important subject was allowed to drop, and that it was never fully examined nor fairly looked in the face until the long, important, and otherwise excellent administration of Lord Hastings.

From the year 1812, however, official attention, stimulated probably by the action of sterling philanthropists at home, was fully directed to the rite. The Governor-General, acting on the information of the pundits and the views of the Court, was induced to give his sanction to certain rules, by which the interposition of public officers was to be regulated. Henceforth reports on Suttees figure as extensively in the public records, as reports on the prevalence of cattle-stealing, or the increase of dacoity. Figures and tabular statements, drawn up in the most correct official form, were forwarded by the Magistrates, and "Abstracts and Regulations" and "Remarks" were drawn up by Registrars and Secretaries, and revised by Councils and Courts. The fluctuations of Suttee may almost be said to have become a distinct department in the State, and from the detailed accounts furnished, any writer in the present day might sketch a dozen sensation stories, while the thoughtful, patient, and Christian writer might well search, in indignation, for the motives through which a British Government so long allowed such things to be.

There is a certain degree of horrible uniformity in the performance of that celebrated rite, which three hundred years before the Christian era, had excited the curiosity of Grecian philosophers; which, in the seventeenth century of our era, had roused the sensibilities of Bernier, not yet taught by any French School of infidelity to see models for imitation in displays of Oriental vileness; and which, for the first quarter of the eighteenth century, more or less horrified and disgusted the public of India and of England, until the destined statesman arose, who boldly disregarded cautious doubts, weak palliatives,

and prophecies of danger, and, in one brief and vigorous enactment, abolished for ever the infernal sacrifice.

We say that there is a certain degree of sameness in the accounts which have reached us of this ceremony, whether penned by Greek historians, by French travellers, or by Magistrates writing more or less in grave official language, and under some official restraint. But there were occasional varieties to break the monotony of horror. There was, of course, invariably the pile of wood and dried grass on which the dead husband was laid, and on which the living wife, with her head downwards, or with the head of her husband laid across her lap, was to devote herself to a premature and horrible fate. There were the attendant Brahmins, the nearest and dearest relatives of the victim, who were charged with the duty of applying the torch, and the crowd of villagers attracted by the nature, we fear we cannot say, the novelty of the sight. There was the police officer, and, on several occasions, the British Magistrate himself, each endeavouring, by all the persuasive influence to which their feelings as well as their duty prompted them, to alter the dreadful resolution. On some occasions, under a distinction which we shall explain hereafter, the wife burned herself months and years after the death of her lord and master, with any relic of his on which she could lay her hand. On others, the young and virtuous wife calmly laid down her life with a firmness, a self-possession, and a spirit worthy of a better cause; worthy of the stern Roman whose right hand "hissed in the Tuscan fire," or of the Christian martyr recorded by Burnet, who, in reply to the persuasions of his friends that life was sweet and that death was bitter, averred that the death that was to come after was more bitter, and that the life that was to follow was more sweet. At other times it was evident that intoxicating drugs had been administered to strengthen wavering determination, or to deaden pain. On others again, nature asserted itself at the last moment, and on the lighting of the pile which was to consume the dead and the living, the wretched and terrified creature leapt shrieking from the flames, or, horrible to relate! was cut down by deadly weapons, or was thrust back and held down firmly under billets of wood, wielded by men united to her by the closest of earthly ties. Then there was one more faint struggle; the pile flared and crackled; a din rose from instruments more horrible than those used by the Corybantes of old, and when the fire sunk down over the charred relics of mortality, the vast crowd dispersed, discussing the entertainment as they would discuss the termination of an inoffensive show.

There is not one single salient feature in the above brief narrative, which we could not prove by a score of instances reported in strict official language from every province and district on this side of India. But it is necessary first to recount the various steps which were taken by the official hierarchy to regulate the custom, as it was termed, in the hope that good sense and right feeling might eventually induce the Hindoos themselves to forego the same.

On two occasions, complete and detailed instructions were issued by the Government to prevent what are gravely termed "illegalities" in the performance of the rite. The first occasion was when the Government woke up after the slumber which lasted from 1805 to 1812, and, on the 5th of December of the latter year, passed the following orders. The Government, after considering the replies of pundits, premised that "the practice, generally speaking, being thus recognised and encouraged by the doctrines of the Hindoo religion, it appears evident that the course which the British Government should follow according to the principle of religious toleration already noticed, is to allow the practice in these cases in which it is countenanced by their religion, and to prevent it in others in which it is, by the same authority, prohibited." Accordingly, Magistrates and other public officers were directed to confine their interpositions to the following cases:—1, to preclude, as far as possible, the employment of all compulsory means towards Hindoo women on the part of their relatives, of Brahmins, or of others, in order to cause them to burn themselves; 2, to prevent the criminal use of intoxicating drugs, or liquors for the accomplishment of that object; 3, to ascertain whether the women have attained the age, as fixed by the Hindoo Law, at which they are permitted to burn themselves; 4, to enquire, as far as the nature of the case will properly permit, whether they are in a state of pregnancy; and, 5, to prevent the ceremony from proceeding in cases in which, on any of the above grounds, it may be repugnant to the principles of the Hindoo Law.

In addition to these orders the police were told to endeavour to obtain the earliest information of an intended Suttee, to repair to the spot in person, to ascertain the woman's age and her freedom of intention, and to prevent the sacrifice if the woman was unwilling or stupefied, or was under sixteen years of age, or was pregnant. As might be expected, all these orders were carefully preceded and followed by the well-known declaration, that complete toleration in religion was a fundamental principle

of the British Government, and that nothing was further from His Lordship's intention, than to infringe any recognised tenet of the Hindoo religion. Before showing how these rules worked, or the number of the Suttees in various parts of India, which by the exertions of the police were reported, it may be well here to state, that, after a great deal of correspondence, the rules were added to and modified by further orders of the Vice-President in Council on the 9th of September, 1817.

It was then provided with an offensive particularity, that women in a state of menstruation were not to burn, nor such as had infants at the breast, or under four years old, nor such as had children under seven, unless responsible persons would engage to maintain the orphans, for such they would be after the death of their surviving parent. It was also ruled that as widows of Brahmins were by the Shastras not permitted to ascend any other pile than that of their husbands, such persons could not be allowed to perform the rite of *anumarana*, or of burning after their husbands' death and at a different time and place, but that they could only be allowed to perform the rite known as *sahamarana*, or burning on the same funeral pile. Then, too, for the first time, it was laid down that the relatives were bound, under penalty of fine and imprisonment, to give notice to the police of an intended Suttee. In the years between 1812 and 1817, this rule had not been made incumbent on the relatives, and though over-zealous Magistrates, in defiance or disregard of the Sudder, sometimes fined for the neglect, and police officers were vigilant, they were left to put up with such information as to intended Suttees as they might get in casual intercourse, or in the performance of their other duties. Various other minute directions were issued, which it is not necessary to specify in detail. The upshot of the whole was, that the public officers were to see that all the tenets and requirements of the Hindoo religion had been properly fulfilled, and that the limits of the Hindoo Shashtra had not been violated; and if the widow would then not be restrained by persuasion, advice, or eloquence, the Suttee was to take place, and a full report of facts, with the age of the victim, the position, caste, and means of the husband, and the state of his family, was to be speedily transmitted to the highest Court. Curiously enough, simultaneously with these orders allowing Suttee its vested rights under Rules and Regulations, another order was passed stating that the custom of burning alive the widows of *Jogees*, prevalent in the eastern district of Tipperah and elsewhere, was not sanctioned by the Shastras at all, and Magistrates were directed to deal with such acts

as *ipso facto* offences against the law, and to bring the offenders to trial before the Court of Circuit.

The most remarkable part of the above proceedings, at least according to our views in the present day, is that these rules were never formally passed into law. The Vice-President in Council expressly recorded his opinion that it was not advisable to introduce or promulgate those measures in the formal shape of a legislative enactment. The rules were simply passed by the Government in its executive capacity, and as they start with the assumption that Suttee is absolutely a part of the common law and custom of the country, and is, therefore, legal *quoad* Hindoos, it is not quite clear, how without a distinct enactment to that effect, irregularities as to the age of the woman, or the time and place of burning, or any failure to give notice of the intended sacrifice, could be made the subject of magisterial enquiry and judicial punishment. It was probably thought that Suttee, performed with careful regard to the opinions of pundits, and with all the formulæ of Hindoo religion, was no murder; while if deprived of these valuable safeguards it at once became cognizable, not, of course, by Hindoo Shastras, but by that strange medley of Mahomedan Law and General Regulations, which, for so long a period, formed the Criminal Code of this country. Still it is not easy to see under what law, in the absence of that special enactment which had been refused, a venerable Brahmin of seventy-five years of age could be fined, because he had not informed the police that his daughter Shibo Soonderi, or his daughter-in-law Bindubashini, had declared her intention of burning herself with her husband's body. And we rather wonder why some energetic Zemindar did not stoutly stand up for the whole and unfettered privileges of Hindooism, and try conclusions with the Government in a Court of Law, on the score that the officials could exercise no interference whatever. The truth seems to be that the interference was so slight, the privileges reserved were so great, and the number of Suttees so large for a long period of years, that no one thought of questioning the right of the Company's Government to exercise its sovereign power in the mild and paternal way in which it was exercised. The Government too were, no doubt, staggered by the prospect of actually reducing Suttee to Clauses and Sections.

And now let us see what effect the carefully drawn rules, the able and judicious enquiries prosecuted by the Nizamut Adawlut, the occasional exertions of the Magistrate, and the constant presence and persuasion of police officers, had produced in bringing about that consummation, which was no doubt

honestly and earnestly desired, and which was predicted as a consequence likely to ensue from the enlightened views and the progress in civilisation of the natives themselves. We shall here give some of the statistics of this branch of the administration, and we think they will excite some amazement in those who have never had more than a vague and general knowledge, that *Suttee* was common in India, that it was very shocking, and that at last it was put down summarily by Lord William Bentinck.

The first orders, consequent on the decision arrived at in 1812, do not appear to have been finally approved by the Governor-General until April, 1813, and we have no detailed statements of *Suttees* for the year 1814. In 1815, however, we find the total number of *Suttees* for six Divisions to be 378. These six Divisions, we must beg our readers to observe, by no means correspond to any six Commissionerships of the present day. The Division of Calcutta comprised almost the whole of the country which is now comprised in the Commissionership of Alipore, Burdwan, Cuttack, and a small part of Chota Nagpore. The Division of Dacca included all the districts under the two Commissioners of Dacca and Chittagong. Moorshedabad was identical with its present limits, with the addition of Bhaugulpore, Beerbhoom, and Purneah. Patna took in six districts of Behar. Benares extended to all the districts now its own, and, in addition, to Allahabad, Goruckpore, and Bundelcund; and in Bareilly was included the whole of the remainder of the North-West Provinces, with the exception of the Division of Delbi, which was then under an Agent for the Governor-General, and for which no returns were received, for the reason, as it appears, that no *Suttees* took place. For the year 1815, the Division of Calcutta, as above specified, exhibited a return of no less than 253 *Suttees*, leaving only 125 for the remainder of this side of India. In the the year 1816, the Calcutta Division again stood at the head of the list. Out of a total of 442, it gave 289 *Suttees*, and it is worth notice that in this year only 24 occurred in the Division of Dacca, 22 in that of Moorshedabad, 29 in the six districts of Behar, 65 in the Division of Benares, and only 13 in the rest of the North-West Provinces. In the year 1817, that of the destruction of the Maratta Confederation and the extermination of the Pindarries, the returns had swelled to a grand total of 707. In this year, the Calcutta Division again retained its pre-eminence in evil. 442 *Suttees* were reported within its limits; of which 98 occurred in Burdwan alone, 112 in Hooghly, 14 in Cuttack, 21 in Jessore, 43 in the Jungle Mehals, or Bancoorah and Pachete

only 7 in Midnapore, 88 in Nuddea, the stronghold of Sanskrit and Hinduism, 39 in the suburbs of Calcutta, and 20 in the remainder of the 24-Pergunnahs. In the same year, the returns from the holy city of Benares were only 16, while in no other Division was the number more than 52, or less than 19; and it is noticeable that the smallest returns were furnished by that part of the Bengal Presidency, which we have always been accustomed to consider as tenanted by the most martial and high-spirited of the races that had come under British rule. Well might the Nizamut Court observe "with concern," that the total number of widows burned in 1817, considerably exceeded the number in the two preceding years, but they prudently took refuge in what, whether truly or falsely, has always been the resource of all officials when called on to account for the greater frequency of any particular crime, *viz.*, the greater activity and attention on the part of the police in discovering and reporting facts. The climax, however, had not yet been reached. It was attained in the year 1818. In that year the list gave 839 Suttees, and, of this number, considerably more than one-half, or 544, occurred in the Division of Calcutta. Burdwan and Hooghly again stood at the head of the list, returning 132 and 141, respectively. Cuttack gave 11, Jessore 23, the Jungle Mehals 61, Midnapore 22, Nuddea 80, the suburbs of Calcutta 43, and the 24-Pergunnahs 31. In this year Benares, that is the Division, not the City, rose to 137, Dacca, Moorshedabad, and Patna had 58, 30, and 57, respectively, and Bareilly only 13. This total, we are happy to say, was never surpassed. It is right to mention that the epidemic, which raged in 1817 and 1818, was held by some officers to have caused the remarkable increase in those two years. But this plea was effectually disposed of, as we shall see afterwards. In this year, some curious particulars are given as to the age of the widows; 49 are reported as under 20 years of age, 122 as between 20 and 30, 153 as between 40 and 50, 149 as between 60 and 70, 8 as upwards of 90, and 2 as more than 100 years. To the last statement that credence may be given, which is usually given to natives in the Mofussil who have outlived all their contemporaries, and who pretend to date their age from some remarkable event, a great famine, a fire or pestilence, or a raging flood.

In 1819, there was a sensible decrease in the number of Suttees, but even in this year they were reported at 650. The Calcutta Division, as usual, headed the list with 421, and, in it, Hooghly alone gave 115. Burdwan and Nuddea fell to



75 and 47, but there were no less than 52 in the suburbs of Calcutta. It is, therefore, quite clear that any respectable British householder living at Cossipore, Ballygunge, Alipore, or Garden Reach, and driving into Town for his daily work, or any resident within the ditch, might, if they desired it, reckon on being horrified by a ceremony of this kind, on an average, once a week. In the same year, the province of Benares gave 92 to the flames, Bareilly 17, and the whole of the Behar districts 40. We are happy to note that in 1820, there was a still further decrease, but even then the numbers were 597. The Calcutta division gave 370, but in no district did the number reach 100. There were, however, 93 Suttees in Hooghly, 59 in Nuddea, and 47 in the suburbs of Calcutta. The Benares Division returned 93, or just the number of the Hooghly district by itself. Of these only 11 were in the city. Bareilly gave 20, Moorshedabad 21, Dacca 51, and the Behar districts 42. By these names our readers must understand Divisions, and not towns.

About this time we find some remarkable statistics from Madras. In three years, before 1816, for which the officials reported in a lump, 45 widows burnt themselves in Ganjam. Within the same period six widows were sacrificed in Vizagapatam, and 17 in the three years after 1816, at a period when the police duties had been transferred to the Collector. In Rajahmundry, the widows of 2 Brahmins, of 1 Rajah, and of 6 Soodras burnt themselves, also in three years after 1816. But 42 were returned for the same period from Masulipatam; 14 from Guntoor, 12 from Nellore, none from Bellary, 13 from Chittoor, 4 from Chingleput, and 18 from Combaconum. Towards the south of that Peninsula the custom was rare and in some places unknown. Then we have a remarkable letter, dated the 1st of April, 1820, from Mr. Thomas Newnham, Judge of Cuddapah. This gentleman reported that four instances of Suttee, had taken place since 1816: that such cases generally were rare, and in the neighbourhood of Cuddapah unknown: that it was the general opinion of the people that permission for the widow to burn herself should be obtained from the Collector Magistrate: that in two instances, where such application had been made, the widow changed her mind, and the ceremony did not take place: that if a resort to strong means to prevent immolations were thought inexpedient, the best plan would be to give Suttee the least possible notice, and to avoid recalling it to the minds of its enthusiastic votaries: and that the late discussions on the point seemed to have made the matter one of national interest to Hindoos, in that part of the

country in which the cruel superstitions known and practised in Bengal had not been so prevalent.

The Judge of Trichinopoly reported about the same time, that he could trace no instance of Suttee for ten years in his district, except the case of a widow of a pleader in his own Court; and Mr. C. M. Lushington, Magistrate of the same district, had the boldness to tell the Government that the abominable custom was never sanctioned by Manu, and was only tolerated by the Mussulman Government; that it ought to be put down by legal enactment; and that no bad consequences could possibly ensue from such a prohibition. It is unnecessary to go deeply into the statistics from the Madras Government. In some Zillahs, as Cuddalore for instance, no Suttees took place, and only in Tanjore, towards the south, did the immolations, for one year and a half, amount to 24. The Judge of South Malabar mentioned the singular and encouraging fact that the custom was unknown in that part of the country. When in two instances preparations were being made for the ceremony, the inhabitants declared themselves against it, and the relatives proceeded to the district of Coimbatore where the widows were burnt on the piles of their husbands. "Since that time nothing of the kind has ever been attempted, nor would the natives quietly permit it on the soil of Malabar." We may sum up Madras statistics by saying, that Suttee prevailed in the northern Zillahs, existed in a less degree in the centre, and was unknown in the west and south, except in Tanjore and one estate in Canara.

In Bombay the instances were more rare than in Madras. One solitary instance had occurred in the district of Ahmedabad. The Magistrate of Anjar persuaded one widow to delay the ceremony, and by the delay her mind was changed, and her life was saved. In the Southern Concan, the ceremony, at no time common under native rule, had entirely ceased on the introduction of the British administration, from an idea that it was contrary to our laws. And the Criminal Judge, on being afterwards applied to, gave such evasive answers, and left his questioners so perplexed, amazed, and uncertain, that in a short time the most excellent results ensued, and Suttee was not heard of again. Two cases had occurred in the territories conquered from the Peshwa in 1817, though the custom had been very prevalent under Maratta rule. On the whole, the Bombay returns are slight in comparison with those from Madras, and sink into nothing when compared with Bengal. We must not forget, however, the large extent of country to which the statements referred on this side of India.

After these formal but instructive statistics, it is now time for us to see the action which was taken by the respective Governments of Lord Hastings and Lord Amherst, when further attention had been fully aroused on the subject; when attempts had been made to mitigate its horrors, and to regulate its performance; and when the returns, conscientiously and punctually submitted by a large number of upright officials, came yearly under the review of the highest Judicial Tribunal and of the Supreme Executive Council. On almost every occasion, when interference with some old right or custom, or the introduction of some novelty in law or administration, has been attempted, the official community of India has been divided into two sets. We have invariably seen opposed each other, in clearly defined lines, the advocates of progress, and the advocates of caution. On one side have been enlisted fluent and ready pens urging on Government, with equal boldness and dexterity, the paramount duties of justice, mercy, and truth: denouncing those customs which, if supported by the interminable verbiage of hazy pundits, and by the unbroken consent of fifty generations of blind adherents, were yet directly opposed to the plainest dictates of reason and conscience, and to those unwritten laws which emanated from the Deity himself; declaring that the line which separated pardonable prejudice from inveterate and absurd adherence to shocking customs, could easily be drawn: and reminding a paternal, a Christian, and an absolute Government, that it was permitted to exist over a race forced down by priestcraft and superstition only for the purposes of establishing the dominion of law and of reason, if not for preparing the way for wider sympathies and a higher faith. On the other hand, were always a set of men who were not devoid of ability, who were distinguished for thought, reflection, and knowledge of the people, and who yet conceived it their duty to uphold, or, at any rate, not to destroy anything which could appeal for its support to the countenance of religion or to social feelings. The paramount necessity of complete toleration: the repeated pledges of neutrality given by administrators and statesmen: the dangers which were likely to arise from an excited priesthood, an ignorant population, and a disaffected soldiery: the importance of keeping faith with subjects and aliens as absolutely essential to the very existence of Government: the prospect, whether present or remote, of lessening iniquity and crime by civilisation and the mild influence of education, and the improbability that superstition and bloody rites would long be proof against good feeling and enlightenment: these were the kind of doctrines

and the line of argument avowed by the party which we must take the liberty of terming the great Protectionist Party of India. That they were successful with a Government like that of Lord Amherst, engaged in an expensive and ill-managed war with a foe really contemptible, is perhaps no matter for wonder. But we are somewhat surprised that a chivalrous statesman like Lord Hastings, respected by the civil service, and literally adored by the army, should not have made one vigorous effort to abolish the practice.

The first general orders of Government in 1815, communicated to the Magistrates, were not very promising. The old story of complete toleration in matters of religion is brought up, and then it is somewhat inconsistently laid down, "that justice and humanity forbid that a practice, attended with the destruction of human life, and often productive of calamitous consequences to the children of the deceased, should be promoted or permitted beyond the extent of the rules prescribed for it in the Hindoo law." The Government and the Sudder Court were, in fact, getting into a dilemma by attempting to introduce justice and law into what was, in itself, the highest kind of illegality, the most palpable injustice, and the most revolting cruelty. Accordingly, when the results of the two years after the issue of instructions were reviewed by the Sudder Court, we find the Judges fortifying themselves by a reference to their sentiments of 1805, and hoping, against hope as it must have been, that the desirable object "may be gradually effected at no distant period of time." On this part of our subject we cannot pass over a short letter from the Patna Court of Circuit, dated the 11th of January, 1819. The letter is brief, and we give it *in extenso*. It is to the Register, as he was then called, of the Nizamut Adawlut. "We have the pleasure to transmit the annual report of the number of Hindoo women who have burnt themselves on the funeral piles of their husbands in the Zillah of Sarun in the year 1818, which does not appear to require any further remarks than what are contained in the enclosed copy of a letter from the Acting Magistrate." Of the three Judges who signed this letter, none are men of any note, and the obvious absence of any sense of the grotesque or the ridiculous disclosed by the letter, is a sufficient reason to explain why they ought never to have risen to any eminence. No great man, it has been said, was ever without a keen sense of humour, and this quality is a very necessary ingredient in the composition of those who would fill a high station, or would influence

their fellow-men. There is something horribly ludicrous and inconsistent in the use of the formula, "we have the pleasure," applied to such a subject as the burning of women. Was there no active clerk, or acute subordinate of any kind, gifted with a perception of official propriety of language, who could have altered the absurd opening sentence of the letter, and have prevented his superiors from being considered heartless, or set down as noodles? This language, however, appears to have been contagious, for it was adopted by a stolid Magistrate who also had "*the pleasure* to forward the prescribed annual "report of Suttees" from Ghazeepore. It is scarcely necessary to add that the opinion of this worthy functionary was, that "any immediate compulsory measure to stop the performance of this rite would be premature, and might occasion a general "and unfavourable sensation in the public mind." "For a few "years more," he adds, "I cannot say how many, we must "be contented to permit a continuance of the practice. The "interference of the Magistrate is gradually becoming more "efficient, as the rules become gradually known, and the easy "gradation is, I think, very much as it should be. The "next step, perhaps, would be to get another *Bywasta* condemning the practice *in toto*, and a concurring resolution "from a number of Brahmins in various parts of the country, "to abandon it. I shall not conceive either of these measures "at all impracticable if attempted gradually and cautiously." That these sentiments were not very far from expressing the opinion of the Sudder Court, we can scarcely doubt, for we find that the letter has a prominent place assigned to it, in a lengthy tabular statement made up from the different districts, in which no other similar letter is quoted. There is something which provokes a smile, even on such a subject, as the supposed elasticity of the Hindoo law, and the Hindoo conscience. *Bywastas* having been procured by scores condemnatory of the practice only in certain cases, the next thing was to stretch a point, and to exhume a dark *stoke* or couplet from some Shastra, which condemned the rite altogether.

—" *Argillâ quidvis imitaberis uâ.*"

As regards the hopes of gradual decay, and doubts as to premature interference, we unavoidably think of the celebrated rustic mentioned in another passage of the poet just quoted, who was watching on the banks of the river till the stream should pass away.

Though the Sudder Court did not imitate the commencement of the letter from the Court of Circuit which

we have quoted above, yet their mode of dealing with this tremendous subject does not impress us with a very high idea of the resolution and vigour of their criminal administration, or, with one or two marked exceptions, of the foresight and capacity of the Judges who composed the Court. Their reviews of the yearly statements of Suttees are made up of remarks such as the following. One Magistrate did not explain the delay of one day in a Suttee. Another is told that a washerman, who pushed back a woman into the fiery pit, might be punished "as for a misdemeanour."!! A third should have stated to what particular tribe a widow belonged, instead of merely stating she was a Hindoo generally. A fourth is informed that he should have used the term "dissuaded" instead of "prevented"; prevention of a Suttee by excess of zeal being clearly, in the eyes of the Court, a terrible illegality in itself, and High Treason against the Majesty of Redtape. Other officials are told that it is not clear for what offences relatives of the widow were committed for trial to the Court of Circuit, although, in one such case, the Court admits that the woman, not being a Brahmin, was not authorised to perform the sacrifice of *anumarana*, or burning without her husband, which was therefore illegal. Some are reminded of inattention to valuable Circular Orders, and of neglect to furnish information as to the condition and circumstances of life of the *deceased*. Some are commended for their full and satisfactory explanations, which "leave the Court no occasion for comment." Of one really bad case we are told that "it bears the appearance of irregularity," and our readers will no doubt appreciate the judicial calmness of this cautious stricture. And by one review, that for the year 1823, a fifth column, no doubt, of the highest value, is added for all future reports on Suttee!

Nowhere in the earlier reports do the Judges appear to have fairly grappled with the subject, or to have afforded that aid to the Government, which they ought to have afforded in putting down this custom. The punishments inflicted when what is termed an "illegal Suttee" took place, were of a trifling kind, amounting to a few rupees' fine, or a few months' imprisonment. Acquittals were constant. And the Court, until the year 1824, seemed clinging to the hope that somehow Suttee would die out of itself, or be discouraged by the Brahmins themselves, who, in some mysterious and unexplained way, were to be converted to humanity and justice from the fiercest cruelty and the most heartless selfishness. Able men have at all times adorned the Bench of the Sudder Court, from the days of Harington and Colebrooke to those of Hawkins; and,

in its later days that Court has numbered among its Judges such men as Mr. Sconce and Mr. Trevor, whose acuteness, judicial gravity, patience, and knowledge of legal principles, would have adorned most Benches. But a vigorous administration of the Criminal Code, and a care for the interests of society as opposed to the criminal, were never the strong points of the Sudder Court at any time. In the commencement of this century the Judges paltered with Suttee. In later days they made killing no murder, rarely convicted for perjury, and, on a total misconception of the functions of an Appellate Court, acquitted *dacoits* and *lattials* by scores. The treatment by most of the Judges of such a subject as the burning of widows, is one additional reason why the extinction of the old Court itself ought not to affect any right-minded person with the least regret.

Nor was the treatment of this question by the Government at all that which we should have looked for, or had a right to expect. We have already alluded to the almost unaccountable manner in which the subject was quietly shelved between 1805 and 1812. We have also explained the nature of the rules laid down for the regulation of the practice on two specific occasions, and we do not find that Government committed itself to any further distinct expression of opinion until the year 1819. Then, on the 30th of July, the Chief Secretary drew up a resolution, in which reference was made to the latter orders of 1817, and to proposed alterations in the rules; and the Nizamut Court were told that, at that prior period "the state of our political relations with the Maratta States, the extensive military operations carrying on in Central India, and the disturbances prevailing in Cuttack, rendered it, in the judgment of the Vice-President in Council, expedient to postpone the promulgation of the rules in question to a period of greater tranquillity." The Governor-General in Council added a reluctant admission, that the interference of the officials and the agitation of the question had tended to augment, rather than to diminish, the frequency of these sacrifices, and wound up by saying that if augmentation continued, it might be proper, not to put down the rite with a high hand, but to prohibit the officers of Government from exercising any active interposition at all!

On the 17th of July, 1821, the Government had before it the report for 1820, and a very vigorous but short minute by Mr. Courtney Smith to which we shall advert hereafter, but it still cherished the hope that "many of the natives, and especially those of the higher and best informed classes, who

"are in the habit of communicating personally with European functionaries, will gradually become disposed to abandon the practice, and that their example may have no inconsiderable influence on the community." It was added that the Government "could not concur in the policy or expediency" of abolishing the rite by a brief law as recommended by Mr. C. Smith, or even in the partial measures suggested by two other Judges, as such "would tend to excite a spirit of fanaticism, and eventually to produce very injurious consequences."

The same sort of temporising policy was pursued, but with more excuse, about that time or in June, 1822, by the Government of Madras. The Governor wrote to the Court of Directors that the practice was of rare occurrence, except in Tanjore: that it was not desirable to give the subject undue prominence by according to it express sanction under formal rules: and that the Magistrates had been directed to discourage the practice wherever their influence could be of avail, and to consider it their duty to prevent persons who might use unlawful means to promote it.

The Government of Bombay was equally cautious. On the 6th of May, 1821, a letter was addressed to the Court of Directors by the Governor in Council. The rarity of the practice in Guzerat was dwelt on: the positive prohibition of the practice in the State of Sawunt Warree by a native ruler for ten or twelve years, was quoted, as showing what might be done, and what the people would submit to: the opinion of a certain vigorous and clear-minded Mr. Hall, an abolitionist, was prominently noticed, as well as those of other officers, who were more or less in favour of interposition and interference of some kind: and the letter concluded by referring to certain minutes of the late Government, and by stating that a decision on the various points of abolition or interference, was one of considerable difficulty. The Government, in fact, did and recommended nothing, and left the Court of Directors to follow the good example.

On the 19th of December, 1822, the Governor-General in Council transmitted to the Court of Directors the reports, orders, and minutes of the Nizamut Adawlut, but beyond a statement that the question was an "important and embarrassing question," we do not find that the Council had made any advance in opinion, or was prepared to exhibit any vigour in dealing with the rite. In a Resolution addressed to the Sudder Court, which bears no date in the printed papers, but which was passed on the reports for 1821, and on a comparison of that year with the three preceding years, the Government observed with



concern that in spite of fluctuations in particular districts, there was no diminution at any of the principal places in the Calcutta Division; that a "divided sentiment" existing among the Hindoos, was calculated "to stimulate the activity of the partisans of the rite;" but that His Lordship in Council did not despair of the best effects resulting from the free discussion of the matter by the people themselves; and that all that Government could do, was to watch the changes of sentiment, and the signs of the times.

The Court of Directors, in a letter of 17th June, 1823, answering a letter of the Supreme Government of 1st October, 1820, pointed out, forcibly and creditably, the apparent tendency of the rules and the interference of officials to increase the practice; remarked that many intelligent men considered Suttee not a tenet of religion, to which the people were enthusiastically attached, but an abuse fostered by interested priests or relatives; and invited the Government in India "seriously to consider the "subject," assured of the hearty co-operation of the Court.

On the 3rd of December, 1824, Lord Amherst, who had succeeded to the Marquis of Hastings, wrote to the Court of Directors assuring them that "nothing but the apprehension of evils, "infinitely greater than those arising from the existence of the "practice, could induce us to tolerate it for a single day." What these serious evils were, the Government did not go on to say, nor is it very easy to see what evils could be greater than the spectacle of a cruel rite, annually performed by several hundred widows, a few of whom were voluntary sacrifices, while a large number were drugged or worked on by superstition: a rite of which British Magistrates were often indignant and unwilling spectators, possessors of physical force which they were forbidden to employ, and confined to a moral persuasion which they might just as well have addressed to the tigers of the jungle, or to the wild tornados that sweep the Bay of Bengal. The letter contains this remarkable admission, "were we to be guided by the sentiments "which we happen to know exist generally among the higher "classes of natives, at the place most favourable for ascertaining "their real sentiments, we mean at the Presidency, we should, "indeed, despair of ever seeing the suppression of the practice." The letter then concludes with an expression unfavourable to the adoption of new measures of importance: with a reference to the introduction of a system of general education, which would render interference with a religious rite injudicious: and with a promise that the subject should always receive full attention, but without any "pledge" for the future, or the announcement or sketch of "any specific plan."

Exactly the same opinions are contained in the remarks of the Governor-General in Council to the Nizamut Court, which formed one of the enclosures to the letter to the Directors, from which quotations have just been made. Religious prejudices, complete toleration, delicacy and difficulty of the question, dissemination of knowledge amongst Hindoos, deficiency of information on the part of Government: these were the changes constantly rung by the members of the Government. Cautious opinions were given in abundance. Action was repressed, or was exerted only in the manner best calculated to encourage the rite. The piles were still lit. The cries of the victims still ascended to Heaven. A British public was gradually roused to indignation. A British Government looked stolidly on.

We shall here close our remarks on the inactivity of the Government of the day, to which no one would think of applying the epithet of "masterly," with but one more extract, which is contained in the letter just alluded to, and which formed one of the enclosures of the letter of Government to the Court of Directors. Lord Amherst's Government observed that one point, which appeared to be of more importance and delicacy than any other involved in the whole question, had not been touched upon at all in any of the opinions which had been submitted to Government, and that point was "the probable effect of any prohibitory measures on the feeling of the native army." We have gone diligently through masses of statements relative to the burning of the widows in all parts of the country, and have not discovered more than half-a-dozen instances in which the widows of grey-headed Havildars, Naiks, or Sepoys burnt themselves on hearing of the death of their husbands. Some of the cases of *anumarana*, or burning at a distance, we say, are reported. A man died at Barrackpore, and his widow, somewhere in the North-West Provinces, burnt herself. But, in penning these remarks, the Government of Lord Amherst seemed to have entirely lost sight of two prominent and incontrovertible facts. The first is, that the greater part, by far, of the Suttees, took place in the Calcutta Division, the districts of which, to our belief, have never sent one single recruit to the whole native army. The second is, that the bulk of our soldiers came from the kingdom of Oude, in which, of course, there had been no attempt to "prevent" or "dissuade" women from becoming Suttees. Add to this, that the proportion of returns from Behar was almost always moderate, while those from the North-West Provinces, which supplied some of the native recruits, were, with the exception of Benares, really insignificant. We may, therefore,

fairly conclude that if officials in all these multifarious returns and replies, had never once adverted to the feelings of the native army, it was simply because the native army cared very little about the matter; and the apprehensions of the Government of 1824, like so many others at different times of our history, were purely visionary.

We have now done with the vacillation, the perplexity, we fear we must add, the incapacity of the Government, and we have a more pleasing task before us. We shall, at this place, give due prominence to the names and the opinions of those brave and independent public servants, who for years maintained the spirited contest of light against darkness, of truth against error, and of nature, law, and their dictates, against the bloody maxims of superstition and selfishness.

As early as the 13th of December, 1813, we have an admirable letter from Mr. W. B. Bayley, when Magistrate of Burdwan, beseeching the Court of Nizamut to review their orders relative to the possible prevention of Suttee in a case where a woman had an infant at the breast. Mr. Bayley pointed out that the circulars and instructions already issued, understood, and acted on, had required and authorised Darogahs and others to interfere actively in such cases; that, in six months, this interference had actually prevented the sacrifice of five widows: that in one case of the five, the Rajah of Burdwan and most of the principal people of the town were very urgent for the official sanction: but that, acting on what he conceived to be the spirit and intent of the Court's instructions, he had refused his sanction, and, "although numbers of people were assembled, and the preparations for the sacrifice were all completed, he had succeeded in preventing it without any hazard of popular tumult or dissatisfaction." The Nizamut Court had construed their own circulars to mean, that, even in such cases, police officers were strictly prohibited to interfere at all. What immediate answer they sent to Mr. Bayley's vigorous remonstrance does not appear, but it is something to know that after the usual reference to muddle-headed pundits and a good deal of writing, the exception for which Mr. Bayley pleaded, was partially included in the circulars and orders. Women, with infants at the breast, were not allowed to burn, unless some one would pledge himself to maintain the orphans. Mr. Bayley, it is well known, was the author of the useful law by which the valuable tenures, known throughout the Lower Provinces as *puttunis*, were established on a sound legal footing, and were recognised by the Revenue and Civil Courts. He also rose to a seat in Council, after having been Chief Secretary to

Government, and he temporarily held the office of Governor-General during the brief period which elapsed between the departure of Lord Amherst, and the arrival of Lord William Bentinck. It is understood too, that he had a considerable share in maturing those measures of reform and progress, by which the administration of the latter nobleman was distinguished. Without placing him in the first rank of Indian statesmen, we may contemplate with satisfaction his long, useful, and honourable career as the disciple of Wellesley, and the friend of Metcalfe.

In 1818, Captain Henry Pottinger refused to sanction a Suttee by his attendance, and was quite satisfied "that the exercise of "a very trifling degree of authority, would put a stop to this perversion of reason and humanity in future." This same Captain Pottinger, we believe, rose to be Sir Henry, and to be Governor of Madras, although in late years his vigour and administrative powers seem to have declined.

In the reports for 1816, we find a vigorous Magistrate of Benares, whose name unfortunately is not given, quietly informing the Sudder Court, that, in the very hot bed of Hinduism, he had prevented two Suttees by downright force. In one case the woman was not the lawful wife of the deceased. In the other, she proposed to burn herself with her husband's clothes, ten months after his decease. Among the curious distinctions of the Hindoo Shastras on this subject, it is laid down that wives of Brahmins may not, but that wives of men of other castes, may burn, at different times, and on other piles than those of their husbands. In the second case reported, the widow was not a Brahmini, but the Magistrate argued, "as you would not burn with your husband, though you were "with him when he died, you shall not burn now;" and so he prevented the sacrifice. This same independent gentleman also again recommended the adoption of the rules proposed by him about a year before, "of which no notice whatever had "been taken." We are glad to find that this Magistrate was supported by the Sudder Court, on the technical ground, however, that the Magistrate had a *Bywasta* to back him!

In the year 1818, we have a letter from the Court of Circuit, for the Calcutta Division, of a very remarkable kind. The letter outwardly purports to be that of the four Judges, composing the Court, but it is signed only by Mr. E. Watson, the fourth Judge, and as his name appears prominently on two subsequent occasions, we may fairly assume him to have been the moving spirit of that Bench. By this letter it appeared that Mr. Forbes, Magistrate of Chinsurah, showed conclusively that the practice had been forbidden by the Dutch and French Governments

of Chinsurah and Chandernagore, without exciting even a murmur. Another Magistrate, Mr. J. Eliot (we suspect his name should be written Elliot), pointed out that Suttees never occurred in Calcutta itself, simply "because the Supreme Court would not sanction any such ceremony in the town"! Mr. Watson gives due prominence to these facts, and then pointedly argues that there was as little justification for a Suttee, as for infanticide amongst Rajpoots, burning alive for leprosy, human sacrifices at Saugor, killing sorcerers or any other human beings, all of which were capital offences by law. He then shows that if the punishment of death in such other cases was not considered an infringement of toleration, the practice of Suttee might be quite as easily checked; and after reducing logically to its naked absurdity, the provision for the maintenance of the infant survivors by a recognizance on stamped paper, for the forfeiture of which no means had been provided, he goes on to his climax by showing that, if the Government would not put down Suttee by a distinct enactment, it ought to pass a law to indemnify the Brahmins, relatives, and survivors against the penalty for murder, to which, without a law, they were undoubtedly liable under Regulation VIII. of 1799, Section 3.

The Sudder Court, it may easily be anticipated, "did not concur" in Mr. Watson's recommendation, and endeavoured to meet his arguments, but only with the ineffective kind of weapon which old king Priam used against Neoptolemus. We regret that we hear no more of this humane, capable, and independent official, but we can scarcely wonder that, after this exhibition of boldness, we do not find him on the Bench of the Sudder Court.

In the year 1816, Mr. Wilberforce Bird reported to the Court of Circuit, that he had prevented three Suttees. One was the relict of a Bengal police official who had been massacred by the Goorkhas at the commencement of the Nepaul war. But she had only co-habited with the deceased, and she was simply told that she could not burn. Another woman, also a paramour, was actually brought back, when she was on her way to the pyre in a palanquin. A third was only 12 years old. Mr. Bird stated that these women were rescued by a degree of coercion, not exactly authorised by the "instructions of the Nizamut Adawlut," but he adds, "without such coercion the life of Ghoorma could not have been saved." Mr. Bird then proposes several additions to the rules, in order to add to their stringency and effect. There must be men still in India who remember the figure and benevolent expression of this gentleman, and those who do not, may see his portrait any day in the

Town Hall of Calcutta. Mr. Bird held a seat in the Supreme Council for no less than six years, was Deputy Governor on several occasions, was actually Governor-General for six weeks between the recall of Lord Ellenborough and the arrival of Lord Hardinge, was much trusted by the former statesman, abolished Lotteries, and, as we happen to know, by his judicious tact and firmness, prevented a war with Burmah in the year 1841, which a hot-headed functionary would have brought on, at a time when, owing to the outbreak at Cabul, an expedition to the other extremity of the empire was much to be deprecated.

We turn now to another gentleman of the same name, Robert M. Bird, Magistrate of Ghazeepore, the author of the famous Settlement of the North-West Provinces, who went to his grave an obscure Magistrate in the country of Bucks without honour or reward, but with the consciousness of having deserved well of the people and the State. This gentleman gave instances of Suttees, in which the woman had either been of tender age, or had actually burnt herself without any information of her husband's death, and the sacrifices had been consummated before the police could arrive. He wound up by recommending that disobedience to the orders of Government should, at any rate, be made penal, as no co-operation could be expected from the "barbarous inhabitants of the district." To this recommendation, we believe, was due the greater stringency infused into the orders and circulars during the next year.

In 1818, Mr. J. Pattle, alone of his colleagues of the Court of Circuit of the Calcutta Division, in reviewing the statements for 1817, expressed his opinion that "any interference, save that of a total prohibition under the severest penalties, would only be productive of a mistaken jealousy and opposition." This plain speaking was rather too much for Mr. Pattle's colleagues, and while they signed the letter, one guarded himself, by saying that he did not join in Mr. Pattle's opinion; the other did "not wish it to be understood that his sentiments are therein expressed." Mr. Pattle, we may observe, was a member of the Civil Service for no less than 53 years, and retained his vigour and all his faculties to the last, dying in 1845. Mr. Pattle, on the above occasion, also effectually disposed of the plea that the "epidemic" had anything to do with increase of Suttees, by showing, from the statements, that the epidemic was almost entirely confined to the districts of Cuttack, Jessore, the 24-Pergunnahs, and the Suburbs; that the increase in the first of these three districts was inconsiderable; and that in the suburbs and in Midnapore the Suttees

had been fewer. The increase in Nuddea had been great, and in Hooghly terrible, and there was no epidemic in these districts. This opinion is repeated by Mr. Pattle in the next year, and again his timid colleagues stand aloof.

In April, 1819, Mr. W. Wright, Magistrate of Furruckabad, had the boldness to tell the Court that Suttee, apparently unknown at one time in that part of India, appeared under British rule to be again gaining ground. Were it simply declared indictable as murder, it must die away. If tolerated under whatever restrictions, it would, Mr. Wright thought, become in a few years as prevalent as in Bengal.

We wish that we could find room for the whole of an excellent letter addressed by Mr. Walter Ewer on the 18th of November, 1818, to the Secretary to the Government in the Judicial Department, in which the writer vigorously takes up the whole subject, and considers the nature of the sacrifice, the expediency of abolition, and the probable consequences. In the first place Mr. Ewer dwelt on the arguments, used by Brahmins and relatives to induce the widow, in the confusion of mind naturally resulting from her husband's death, to rescue him from hell, and her own self from despair in this life, as well as from transmigration into the body of an animal in the next. "Should utter indifference for her husband and superior sense enable her to preserve her judgment," and to resist "the arguments of those about her, it will avail her little. "The people will not on any account be disappointed of their show, and the entire population of a village will turn out to assist in dragging her to the bank of the river, and in keeping her down on the pile." Mr. Ewer then went on to show that the sacrifice was more often designed to secure the temporal good of the survivors, than the spiritual welfare of the sufferer or her husband. The son was relieved from the expense of maintaining a mother; the male relatives, reversioners in the absence of direct issue, came in at once for the estate which the widow would have held for her life; the Brahmins were paid for their services, and were interested in the maintenance of their religion; and the crowd attended the show with the savage merriment exhibited by an English crowd at a boxing match or a bull-bait. Then came a direct attack on the religious part of the rite, which was the great battle field of the non-abolitionists. Mr. Ewer admitted that the practice was recommended by some of the Shastras, but he pointed out, what is indeed well known, that it was not even hinted at by Manu; and then showed that we had overlooked "an impudent imposition, which had transformed a recommendation into a positive order, which

"relatives are bound to carry into effect." Then came arguments, which seems to us, in the present day, like sledge-hammers, shattering the opposing fabric to atoms. Brahmins in defiance of the Shastras were now hung in Benares : Dhurna was prohibited : female infanticide and the exposure of infants at Saugor, the burning of the widows of *Jogees*, were all tolerated by immemorial custom, and all had had to give way to English laws, devised and enforced by English statesmen. What then became of the boasted principle of non-interference and complete toleration? What should we do if human sacrifices to Kali, described by one of the Pooranas as highly meritorious, were frequently performed in open day? And then this well-informed, determined, and logical Superintendent wound up by declaring, that authorising a practice was not the way to effect its abolition, and that we were no nearer to the desired end, than we were in 1805, when the Sudder Court vaguely gave expression "to their hopes that the object might be gradually "effected, and at no distance of time."

Mr. Ewer followed up the letter just abridged by a second blow dealt two months after, in which he quoted the opinion of Mr. Molony, Magistrate of Burdwan, of Mr. Oakeley, Magistrate of Hooghly, where the increase had been enormous, and of Mr. Morrison, Magistrate of Beerbhom, who had paid particular attention to the subject; who did not expect to found the "decline of Suttee" on the "impure and degenerate state" of Hindoo religion; and who had boldly "prohibited" the wives of a pundit from becoming Suttees. Here, too, we get a glimpse of a conference which was held somewhere in the latter end of 1818, in which the habits of insensibility and of moral degradation engendered in the spectators, had been apparently pointed out by some strenuous philanthropists. We again regret that we have no room for a detailed statement of the reasons given by two of the above Magistrates, who are clearly and unmistakeably in favour of abolition, and who scouted the notion of danger or evil effect. Mr. Lee Warner was also of opinion that the practice might be abolished by law, "without causing any serious disturbance." Mr. C. Chapman, Magistrate of Jessore would "willingly undertake to promulgate any "orders regarding abolition, without dread of ill consequences." We forbear to mention the names of several gentlemen, who, in reply to Mr. Ewer's call for information and opinion, simply reiterated the stale and worn out arguments about fundamental principles, violation of pledges, religious feelings, danger to the administration, and popular discontent. On all such occasions the twaddlers must have their say: the mendacities, the



windbags, the shams, come to the front. The tyranny of weakness continues to reign. The advent of the eternal veracities is postponed.

We are glad to find in a letter from Mr. Forbes, who was a genuine abolitionist, an authoritative statement, that the late Lord Metcalfe, when Resident at Delhi, never permitted a Suttee to take place, was always prepared to prevent the practice by forcible interference, but only had to resort to force on one single occasion. As regards the position of Hindoo women, who had not become Suttees, Mr. Forbes, when first Judge of the Calcutta Court of Circuit, mentioned as a significant fact, that he had no less than 57 civil suits pending, involving property worth four lacs of rupees, to which Hindoo ladies were parties. It was thus clearly possible for widows not to follow their husbands to the pile, to fill respectably their own positions in society, and to manage their own affairs. Indeed, had it been a fundamental rule of Hindoo society that every widow *must* burn, the scores would have swelled to hundreds, the hundreds to thousands, and the custom could not possibly have maintained itself for a twelvemonth after the introduction of British rule.

We turn to the Presidency of Bombay, and we find that a Mr. Hockley, whose exact place in the official hierarchy we are unable to determine, forcibly prevented a Suttee from taking place at Bassein. His conduct was directly praised by the Governor, Sir Evan Nepean, and by one member of Council, Mr. Bell, who apparently entirely concurred with the Governor, but Councillor No. 2 took up his fiddle and played on its one string to the well-known tune of non-interference. The Supreme Government was informed of the occurrence, but we have been unable to find any opinion given in reply.

Mr. Hall, Judge of the Southern Concan, wrote a long letter to show that Suttees were not habitual there, but he was of opinion that much stronger restrictions than those in force, not to say, total abolition, would be submitted to by the inhabitants without much danger; and Mr. Warden, member of Council about the same time, was "convinced of the practicability of abolishing not only this, but every other sanguinary practice of the Hindoos, and without endangering either the popularity or the security of our supremacy."

We now come to one whom we have the greatest pleasure in introducing to our readers as a vigorous abolitionist and an excellent Judge. We mean Mr. Courtney Smith, brother to Bobus Smith father of the present Lord Lyveden, and to the celebrated Sydney Smith. This gentleman was evidently

possessed of a strong will, an enlightened understanding, and a caustic and logical pen, and he attacks the subject of Suttee, when dealing with the reports of 1819 and 1820, in a manner worthy of the author of Peter Plymley himself. We give his minute *in extenso*, trenchant, lucid, and going directly to the head and the heart. The Italics are our own.

"My opinion is, that the toleration of the practice of Suttee is *a reproach to our Government*, and that the entire and immediate abolition of it, would be attended with no sort of danger. I would suggest a short Regulation on the subject somewhat in the style of the sixth Regulation of 1802, against the sacrifice of children at Saugor. There are expressions in the preamble to that Regulation which would not exactly suit the case of Suttee, but a preamble somewhat to the following effect would not perhaps be unapt. Whereas the practice of Suttee is shocking to humanity and contrary to nature, and whereas the British Government, after the most careful enquiry and the most mature consideration, feels it impossible to be satisfied that this commission of self-murder can ever be in truth the free, voluntary, unbiassed, and uninfluenced act of the female who is sacrificed; and whereas to interfere with a vigorous hand for the protection of the weak against the strong, of the simple against the artful classes of its subjects, is one of the most binding, imperious, and paramount duties of every civilized state; a duty from which it cannot shrink without a manifest diminution of its dignity, and an essential degradation of its character among natives, &c., &c."

29th May, 1821.

We must spare our readers the names and the perusal of the minutes of the three colleagues of Mr. C. Smith. It is sufficient to say that they are a compound of timidity and twaddle. Mr. Courtney Smith figures again very satisfactorily on the trial of a case, in which by a *futwa* from the Mahomedan Law Officer, certain prisoners were convicted of having either thrown back a Suttee into the pile after she had leaped off, or of having smote her with a sword, or of having aided and abetted the proceedings. Some difference arose between the Chief Judge and Mr. C. Smith, who was the second Judge, as to the amount of punishment which should be inflicted on the prisoners. The Court of Circuit had recommended death for the principal offenders, and the first Judge of the Nizamut would have sentenced two of them capitally. Mr. Smith, after mentioning certain facts which showed that the Suttee was originally

voluntary, and certain irregularities in the trial, pointed out the impossibility of sentencing prisoners capitally, owing to the peculiar way in which the rite had been treated by the Government and its officers. He had the boldness to say, "Our Government, by modifying the thing and issuing orders about it,—orders which even the Government and the Sudder Judges themselves do not appear clearly to comprehend, have thrown the ideas of the Hindoos upon the subject into a complete state of confusion. They know not what is allowed and what interdicted, but upon the whole they have a persuasion that our Government, whom they most erroneously suppose to be indifferent about the lives of natives, are rather favourable to Suttee than otherwise. They will then believe that we abhor the usage, when we prohibit it *in toto* by an absolute and peremptory law. They have no idea that we might not do so with the most perfect safety. They conceive our power and our will to be commensurate.

"That a Suttee, in the outset voluntary, shall be deemed *Murder* in those conducting it, if they force the widow upon the pile from which she escaped, I do not find positively declared in any of the instructions promulgated through this Court, nor do I know whether by the Shastra it is legal or illegal.

"In all the rules which have been issued, the Shastra is quoted as the authority. The essence of the *rules* is, that if the Suttee be according to the Shastra, it is lawful: if not, criminal. With this declaration from the supreme authority, I do not see how a Hindoo can, in common sense or common equity, be made amenable to the Mahomedan law for the offence."

Mr. Smith would then have sentenced two Mahomedans comprised in the five offenders, one to five and the other to two years' imprisonment, observing that there was less excuse for them, though they might well plead that they thought there was no harm in furthering a result which had been tolerated by the Government throughout the country, and with regard to which it was impossible for them to discern the exact bounds, which separated what is permitted from what is forbidden. A compromise was effected between the two opinions by the aid of two other Judges; no one was hung; and all five prisoners were sentenced to periods of imprisonment, varying from two to five years. Most people, we think, will agree that this was right. Suttee could not be put down by a spasmodic exhibition of judicial severity, and by galvanising into action the inert and inanimate substance of the

law. Force, in such cases, is very apt to spring from feebleness, and thus to be monstrously unjust. The Government had been playing with lighted torches round a barrel of gunpowder, and were amazed at an explosion. They had endeavoured to infuse something like order and regularity into a custom, which, from first to last, had nothing about it but the elements of disorder, cruelty, malignity, and crime. Their attempts, to borrow a homely illustration, seem to us very much to have resembled those attempts which are occasionally made at this day, by persons who are termed the Corinthian patrons of the Prize Ring, to introduce honour and fair dealing into a fight between the Game Chicken and the Tutbury Pet. The exhibition is a brutal and disgusting one. The Ring, scientifically selected, is crowded by sharpers, betters, and blackguards of all sorts, with a sprinkling of the higher class attracted there by a wrong sentiment, or by curiosity. As the fight progresses, it is discovered that one or other of the pugilists has been, or is supposed to have been, tampered with, and the battle to have been "sold." A terrible row is the consequence. The Ring is broken up in dire confusion. One of the seconds receives a violent blow from behind dealt by a bludgeon which stuns him. The keepers of the Ring are unequal to the crisis, and the referee, closely connected with an eminent sporting paper, can scarcely get away, while lamenting the degeneracy of the age, without a broken pate or a bloody nose.

Once more does Mr. C. Smith figure in these proceedings, and that is in the year 1824, and as creditably as ever. He simply repeats the substance of his former minute: states there he can subscribe to no instructions which modify, systematize, or legalize the practice, or that appear to regard a legal Suttee as at all better than an illegal one. He warns the Government, that, under their orders and instructions, the practice will take such deep root, that it will be impossible to eradicate it; and concludes by saying that if Government will not even consent to pass a milder law, punishing all who assist at Suttées by imprisonment and not by death, it would be better to leave the Hindoos to themselves. This reasoning, this vigorous stand made by Mr. Smith, and this earnestness and acuteness, we are happy to say, on this occasion carried three of his colleagues with him. They admitted that the attempts at regulating the practice were a mistake, and they were prepared to recommend to Government that the practice should be put down by law.

This is the last we hear of Mr. Smith, and we are concerned to state that he afterwards got into some trouble for unnecessarily doubting the security of Company's paper at a later period.

We have, therefore, the more pleasure in extracting from the mass of papers, in which they have been long buried, his remarks, characterised by such sterling good sense, such true humanity, and such an accurate perception of his duty to the State and the People as a Judge of the Highest Court of the Company.

We are also glad to find that Mr. J. H. Harrington, the most distinguished Judge of former days ever raised to the Sudder Bench, did, after a very long examination of all the returns, and after delivering himself of a minute of 43 paragraphs, for no part of which can we find space, expressly record his convictions as in unison with Mr. C. Smith, and did admit that, while "the toleration of Suttees was a reproach to our Government," "the entire and immediate abolition of it " would be attended with no sort of danger."

We have room for a brief mention of only one more official, and this is Captain H. D. Robertson, Collector of Poona. In this case an unfortunate woman twice escaped from the fire, and flung herself into a river in which her relatives then tried to drown her. She was rescued by Captain Robertson and several other gentlemen, was carried to the hospital, and died in agony, twenty hours afterwards. Captain Robertson convened the inhabitants, and in very choice Maratta, harangued them at length as to the cruelty and enormity of the custom, and proposed that every person who forced a woman to burn against her will, should be punished as a murderer. His conduct in the case, which appears to have caused intense excitement at the time, was approved by Mountstuart Elphinstone, then Governor of Bombay.

The last opinion to which we shall allude in this part of our subject, is a long paper on female immolation published in the Quarterly Series of the *Friend of India* for March, 1821. The writer, who appears to have been thoroughly well-informed on the whole subject, discusses the foundation, progress, and theory of the rite; shows conclusively that it was never commanded by the great founder of Hindoo jurisprudence, and that the British Government never hesitated, in other cases, to brush away the absurdities and cruelties of Hindooism: dwells next on three precedents as showing that the existence of prejudice had not been permitted to arrest the career of justice, to wit, infanticide in Guzerat, exposure of infants at Gunga Saugor, and the execution of Nundo Kumar; and finally winds up by showing that the centre and hot bed of the rite was Bengal Proper, and that every motive of policy, humanity, and justice called on us, as the deliverers of India, to enlist on our side the feelings of

the humane and the wise, and to condemn the pleas of those who, "despicable by their numbers, had rendered themselves still "more despicable by their inhumanity, to whom the shrieks "of a mother or a sister writhing in the flames, are as the "sweetest music, who have parted with all that distinguishes "men from demons, and retain nothing of our nature but its "outward form."

With this extract we conclude that part of our article which has reference to the bold stand made by individuals against the policy of Government. It is always satisfactory to find that in all these discussions on what are termed delicate questions, involving the good faith of the Government and the religious feelings of the natives, there have been men in the Civil Service of clear and sound intellects, who have been able to see themselves, and to demonstrate to others, that Government, by its announcement of neutrality and toleration, was not bound to maintain practices which had grown up out of later and grosser superstitions, which tended to degrade any religion whatsoever, and against which humanity and nature alike rebelled. Many of these individuals, as we have seen, attained to eminence in the public service, presided over high tribunals, administered important executive departments, ruled kingdoms, and promulgated codes. Yet we must question if any honour or dignity to which their talents deservedly raised them, can have given them such a pleasant retrospect in the retirement of England, as the recollection of their efforts to denounce priestcraft, and to save life. Jeanie Deans, in the incomparable speech which the great novelist puts into her mouth, when pleading for Effie before Queen Caroline, tells her Majesty that "when the hour "of death comes, lang and late may it be yours, the thoughts "that ye hae intervened to spare the puir thing's life, will be "sweeter in that hour, come when it may, than if a word of "your mouth could hang the haill Porteous mob at the tail of "ae tow." The day has come when all those prominent actors have passed away from the scene, and when their conduct may be calmly reviewed; but if these pages should ever come to the notice of any of their relatives or descendants, they may be glad to think that, amidst the timid or the wavering, their fathers came boldly and prominently forward to denounce a bloody superstition, and that they stand out, in bright relief and contrast, as its merciless suppressors, and its deadly and inveterate foes.

We have dwelt considerably on the policy of Government, on the effect of that policy, on the number of Suttees, and in the opinions of members of the Civil Service and others. Our

readers must pardon us if we extend this article beyond our usual limits, by giving some instances of Suttees remarkable either for the determination or the sufferings of the victims. We have already explained the difference between those who burnt themselves with the bodies of their husbands, and those who ascended a pile raised at some other place, and, it might be, years after the decease. The latter privilege, we have said, was not extended to Brahminis, who could burn, according to the Shastras, only with their husbands. Other women burnt themselves, months and years afterwards, with anything belonging to their lords, a turban, a dagger, a pair of sandals, a portion of wearing apparel, a roll of beads, a stick, a fiddle. We can imagine a woman burning herself, at the instigation of interested priests and relatives, as soon as she received the news that her husband had died some hundreds of miles off, on a pilgrimage, or on service, away from his native village. But the reports fail to explain the cause of delay, in so many instances, which extended to 5, 10, and even 15 years. From enquiries on this particular point, we are led to conclude, that the woman found the state of widowhood, to which she was condemned by those same Shastras, literally intolerable; and that seeing her children provided for and settled in life, she may have accounted death a lesser evil than life, borne under the penalties and restrictions so vividly described in the papers, which led to the Hindoo Widow Remarriage Bill passed by the late Legislative Council early in 1857.

These victims appear to have been of all castes, and their husbands to have filled every conceivable station in life. The returns in one year give 234 Brahmins, 35 Khetrees, and the rest other classes, the total being 575. In them we have the widows of Brahmins, Kayasts, Khetrees, Bunniahs, Telis, wine-sellers, medical practitioners, Rajpoots, Chandals, and all the varied agricultural castes. The circumstances of the husbands are variously described as opulent, middling, and indigent, and they had Talooks, rent-free lands, professions, and sometimes nothing at all. One of the earliest cases reported at length involved the suspension of an ancient civilian who betrayed an amount of ignorance and incapacity which is positively startling. The woman had been prevented from burning in the Suburbs of Calcutta by the activity and the resolution of the Magistrate, and her relatives then took her into the 24-Pergunnahs, the jurisdiction of which was distinct from the Suburbs. The Magistrate of the 24-Pergunnahs had his doubts on the subject when applied to for the usual permission, but being much pressed and being told that the legal age for burning was 12

years (it was of course, 16), he signed the order authorising the Suttee, just as he was sitting down to dinner in a friend's house in Calcutta, to which place a Vakeel had followed him, obviously knowing the loose and easy individual with whom he had to deal. This case evidently caused considerable excitement at the time, and a searching enquiry was made into the conduct of the lax official who gave sanction to the rite, and who came to grief eventually.

In Dinagapore, a woman took up the corpse of her husband from the earth in which it had been buried, and burnt herself with it. In Sarun, the widow of a convict, who died in jail, sacrificed herself voluntarily. In Shahabad, a woman, after being considerably scorched, left the pile, went home, and died nine days afterwards from the effects of the burning. An extraordinary case is reported from Etawah. A Nutt, named Bajraj, drank four large pots of wine and died. All the brotherhood and the intending Suttee passed the next night in revelry and intoxication, but the Joint-Magistrate prevented the sacrifice, because Nutts were so low a caste that they were not entitled to this privilege. After the death of her husband, the wife shamelessly danced and sang. In Ghazeepore, a woman fled from the flames slightly blistered, and survived. In Cuttack, the Magistrate was present at the sacrifice, and in vain endeavoured to dissuade two widows, aged 45 and 50, from burning with their husband who was of the Myntee caste. The Darogah "a respectable Hindoo" had been equally unsuccessful. In Ghazeepore, a woman fled, as soon as the flames touched her, and received no injury. A curious case is mentioned in Dinagapore. A woman ascended the pile, cried out for help, and was rescued by the Darogah, but was severely burnt. She was sent to hospital, and the conduct of the Darogah was enquired into, when the woman turned round on the official, and taxed him with forcing her from the pile against her will, as she had merely shouted "*Hari Bol*," the usual formula in cases of death. Her relatives, after some demur, agreed to re-admit her to caste, but the upshot was that she became a "*byragini*," or religious mendicant, and was reported as "*doing well*." In Boolundshuhur, in one case, a crowd of persons assembled, and showed an intention to resist the police officers, who were inclined to resort to force to prevent the Suttee, as they were entitled to do, saying that the husband, a Brahmin, had died at a distance from his wife. The Suttee took place, and it is recorded that it would have cost several lives to prevent it. In Gorruckpore, a woman twice attempted to escape with success, was brought back by force, was cut down at the third attempt, and was thrown into the fire which



consumed her. In Rajamundry, a young woman of eleven exhibited extraordinary firmness, sent two messengers to ask the Magistrate's permission, stating that her resolution not to survive her husband, was unalterable, threatened to starve herself to death, and finally threw herself into the fire in the presence of thousands of people. In Ellore, the Magistrate prevented the wife of a Sepoy from sacrificing herself, but she was not to be baulked, and she set fire to the shed in which she was living, and died in the flames. In 1822, the Salt Agent at Barripore, 16 miles south of Calcutta, went out of his way to report a case which he had witnessed, in which the woman was forcibly held down by a great bamboo by two men, so as to preclude all chance of escape. In Cuttack, a woman dropt herself into a burning pit, and rose up again as if to escape, when a washerman gave her a push with a bamboo, which sent her back into the hottest part of the fire. In Moorshedabad, a Darogah and a Hindoo, insisted on the woman's putting her finger into the fire to see if she was a true Suttee. The woman became alarmed, and gave up the idea. In Sarun a relative had the effrontery to state that the friends of a woman wished to dissuade her, but that fire broke out in her clothes spontaneously, on which they supplied her with materials for burning. In Moradabad, a woman leapt from the flames, and was rescued by the police officer, though much burnt, and against the will of her relatives who tried to force her back. In Goruckpore the reverse occurred, and the relatives twice forced back a woman, while the Kotwal looked idly on. In this case the parties were committed for trial, and, of course, acquitted. In Bhaugulpore, a woman broke away from the pile when the flames reached her breast, and fell down nearly insensible at the feet of the Magistrate who was standing by. In a few minutes she revived, and in spite of the Magistrate's entreaties and remonstrances, attempted to regain her position on the pile by climbing up to the top. The Magistrate finding her resolution to be unconquerable, permitted some of her relatives, whose assistance she invoked with loud cries, to lift her again into the flames which speedily reduced her to ashes. This remarkable woman was aged 26, and she is reported to have said, in answer to the Magistrate's remonstrances, that burning was neither terrible nor new to her; that she had gone through it previously at Benares and at Kanouj in a previous state of existence; and that she knew the extent of her sufferings, and their recompense. In Sarun, a father burnt the sister of a deceased Hindoo instead of his wife. The sister is stated to have voluntarily sacrificed herself,

but it is some slight satisfaction to think that the father was sentenced to imprisonment for seven years, however inadequate such a sentence may appear for the offence. In Balasore, a woman aged 27 is *said* to have replied to the Darogah, who dissuaded her, in the following terms :—"I burn with the hope of obtaining pardon for my sins, with the body of my husband, who, to my fancy is still alive, as, by the death of my husband, I consider myself as dead, and consequently I feel no regret in committing myself to the flames; after due observance of the rules prescribed by the Shastras, I shall obtain forgiveness for suicide, and free myself from any blame attached thereto." In Beerbhoom, a woman escaped from the fire somewhat singed, and was supported by her relatives, though she lost her caste. At Bithour in Cawnpore, the wife of a pundit in the service of the father of the now infamous Nana, burnt herself in the year 1823, along with the bones of her husband, according to the peculiar custom of the Marattas, at least so the local officer reported, though it does not appear to us, that there was anything very peculiar in the mode of sacrifice. In Bundelcund, a woman jumped from the pile, as her courage failed her, but, subsequently threw herself into a well, and was drowned. In Hooghly, no less than four wives on one occasion, and two on another, burnt themselves with one husband. In the first case three of the wives left seven children behind them, none older than 19 years of age. In the Southern Coucan, one woman, under a novel and a local custom, made an image of her deceased husband in rice, and burnt herself with it. From the west coast of Bombay a remarkable case is described by an eye-witness in a letter, dated Severndroog, 10th October, 1824, to the Bombay Courier. The bystanders pleaded *Sirkar ka hookm* to all arguments and entreaties urged by the writer of the letter. The widow herself appeared calm, collected, and resolute, she went through all the prescribed ceremonies, which consisted in bathing, in being sprinkled with red powder, and in distributing betel-nut and spices, and then, in full vigour and health, after receiving a sort of worship from her relatives and friends, ascended the pile without the smallest assistance, and quietly died.

This is the last case which we shall inflict on the patience of our readers. We say nothing about the scores and hundreds of cases in which the police were not apprized in time, and when, of course, all things were reported to have been done correctly, or of those in which, when present, they described the sacrifice as voluntary, insisted on the absence of all legal restrictions, and described the engagements entered into by some

relative for the maintenance of infant children. We have already alluded to the numerous acquittals of those who violated any of the cautious rules enacted by Government. Others are fined or subjected to short periods of imprisonment for assisting in what are gravely described as "illegal Suttees." It may, however, afford a lively satisfaction to zealous Magistrates at the present day to learn that Choukidars, Pasbans, and other village functionaries of that class were, even in those times, often subjected to from 15 to 30 stripes with rattan, for not giving timely information to the police of an intending Suttee!

Something may be urged in support of every kind of custom, show, or amusement of a national character, however barbarous and demoralizing in many respects. In Gladiatorial exhibitions, the old Romans, who, amidst all their fine qualities, had no sentiments of chivalry or generosity to the vanquished, learnt to admire the skill of the exhibitors, as well as the calm determination with which they passed by the chief Magistrate, saluting him as dying men. In the bull-fights of Spain, the adroitness of the Matador sometimes half drowns the pity felt for the mangled and disembowelled horses. Even at a prize fight, gentlemen of taste and education have dwelt on the artistic position, the muscular, well-shaped, and healthy frame, and the exquisite skill in attack and defence manifested by the pugilists. Yet, in spite of skill and activity, and heroic resolution, the almost universal consent of civilized nations now pronounces such spectacles to be barbarous and demoralizing. But in these cases the actors anyhow are men, strong and independent, and capable of judging for themselves. Suttees were made out of the weakest part of the creation. Illiterate women, preyed on by relatives, cowed by priests, morally if not physically drugged, were urged to continue to their husband after death, that servile obedience to which they had been condemned in their lifetimes, or to encounter a state of dull and dreary widowhood to which death was almost preferable. Suttee appears to have sprung from, as well as to have perpetuated, some of the vilest feelings of our human nature. It began in selfishness, it was supported by falsehood, and it ended in cruelty such as might give delight to fiends. No language is too strong for it. When we read the long record of human lives sacrificed to what was called our national good faith, the vacillating minutes, the elaborate reports, the indignant remonstrances which the subject excited, and the inactivity of a Government presided over, at least, by one able statesman, we can but sigh, as we read the blood-stained pages, for one hour of either Bentinck or Dalhousie: for the first statesman, who was, we regret to say, decried by a

large portion of the Civil Service, because, though he "effaced humiliating distinctions and abolished cruel rites," he reduced the allowances of civilians to just and reasonable proportions; or for the second, whose acts and character are now occasionally vilified and misrepresented by a small herd of ignoble scribblers whom one stroke of his pen, or one glance of his eye would have sent back, cowed and humbled, into their congenial obscurity.

Writing after the event we must make all due allowance for statesmen, when dealing with delicate subjects such as religion and caste. But with every allowance that can be claimed on the score of caution and prudence, we cannot but feel that the interference of Government for years only made matters worse, and that the rulers of India, from 1812 to 1828, must be open to the charge of a want of penetration, of firmness, of sagacity, and of statesmanship, in that they permitted this foul blot so long to disfigure our annals. Energetic Magistrates, afraid of no responsibility, had shown what might be done by resolute and unauthorised action. Men of high character, acknowledged talent, and familiarity with the country, repeatedly urged the Government to interpose with the strong hand. The press was on their side. True statesmanlike instinct would have cast to the winds the vaticinations of the ignorant, and the fears of the selfish and the weak. To seize the right time, in India, for the introduction of great changes is, indeed, one of the highest triumphs of the statesman. When the late Lieutenant-Governor of Bengal peremptorily forbade all burning of bodies within the town of Calcutta, he was liable to the charge of intemperate haste. When he proposed to regulate the practice of *antarjali*, and to prevent the gross abuses which grew out of a custom not in itself absolutely wicked or illegal, he would, in our opinion, have signalised his administration by an act of good policy and wisdom, and we can only regret that his counsel was not allowed to prevail.

A retrospect on the subject of Suttee, besides being peculiarly fitted for the pages of a *Review*, is calculated to be useful in many ways. It recalls to us the sort of abominations which may spring up when the natives are left practically to their own guidance and choice, and which it is the glory of British administrators to have abolished. It should teach us also to estimate at their proper value, the monitions of men who have been termed fossilised Brahmins, and who, whilst professing the greatest abhorrence for such crimes, are somehow always content to leave their cure to such grand and empty phrases, as the march of civilisation, the culture of the educated part of the community, and the like. It should warn all rulers, that there are times and

cases when decisive and vigorous action is imperative, and when caution is set down by the native community as weakness, and is despised accordingly. And it should constantly remind us, that whenever the old Company or Her Majesty's Government are said to have pledged themselves to religious toleration, they cannot be said to have thereby guaranteed immunity to the vilest orgies of Astarte, or to devilish sacrifices to Moloch.

We suppose that none but the most bigoted Brahmins,—and they must now be few in number,—would desire the revival of such a rite. And to put the matter in a lower but a very practical light, we say that advancement of natives to high posts of emolument or responsibility, was simply impossible, while such relics of dark ages and dark superstitions were fostered or endured. The most grotesque and horrible incongruities would arise, had Suttee kept pace with our avowed and earnest desire to see natives taking a larger share in the Government of the country. Imagine a native gentleman dying, who was a member of Governor-General's Council for making Laws, and the Viceroy, on sending a message of condolence to his family, being quietly told that his wives had all burnt themselves the day before: or the native Justices of the Peace for the Town of Calcutta, stating their inability to attend a discussion on the water-works of the metropolis, because they wished to follow the widow of one of their number to her husband's pile at Chitpore or Garden Reach: or a Bengalee member of the civil service, for such there may be, refusing to subscribe to the civil fund, because he would, under the Shastras, be only survived by his widow for the space of twelve hours! It was in one sense truly said, that such practices were incompatible with the spread of education, but the sound rule, we submit, for our guidance, would have been to put down violent crimes first, and then educate and refine afterwards. The demoralization of the survivors entailed by the rite of Suttee was palpably spreading, and was a worse feature than even the cruel tortures of the dying wife, which is saying a good deal.

It is refreshing to turn from the picture of the wretched victim, the greedy crowd, the selfish Brahmins, and the indignant but helpless Magistrate, to the picture of peace, progress, and prosperity, which is exhibited by those districts where Suttee was once most rife. In those fertile plains, and those populous villages, there is now and there was, we believe, even forty years ago, hardly an acre which does not, as rice-field or garden, or as thriving mart, contribute to the maintenance and welfare of the population. In large parts of those

districts, the presence of a wild beast bigger than a jackal, has long been as unknown as in Hertfordshire and Kent. Schools rise in numerous directions, and, instead of the Magistrate hastening to the fires at the call of duty, we have the Inspector of schools who reports on the gratifying spread of English ideas. The railway car, with its living freight, passes through Hooghly and Burdwan on one side of the sacred river, and through Nuddea on the other, once the great hot beds of Suttee, quickens the perception of a race naturally acute and intelligent; approximates the ends of the empire; and justifies the foresight of English statesmen, and the competence of English Engineers. Born and nurtured in those very plains, natives highly endowed and educated, have been found to compete for the civil service, to describe the skies with a rod, and to plead causes at the bar, as the Roman poet puts it, better than their predecessors, to lend their knowledge to our Councils, to serve on our Committees, and to adorn our highest Bench. Could these gratifying results have happened in our generation, had it not been for the foresight and the resolution of English statesmen? But the natives, freed from debasing superstitions, and with fields for the exercise of their talents everywhere opening, have now a greater task before them, in which almost everything must be done by themselves. Englishmen have saved the children from the Ganges, the aged widow from the flames, and the child wife from that living tomb, in which she was confined after the death of her sexagenarian husband. It remains still for the natives of Bengal to complete a work already commenced; to educate their wives and daughters up to their station in society; to fit them for the open and graceful discharge of those social and domestic duties, which fall in Europe to the gentler sex; and to remember that the power, the strength, and the influence of a nation in the world's history, depend even more on the refinement, the dignity, and the character of the mothers, than on any acuteness of intellect, and any range of acquirement displayed by the men.

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## ART. II.—RAILWAY FUEL IN THE PUNJAB.

THE number of this *Review* for May 1867, contained an article on the Forests of *deodar* in the Punjab Himalaya, and their conservancy, past, present and future. The present paper is intended to be complementary to the former, the two containing a sketch of the chief subjects to which the Forest Department of the Punjab have directed, or are likely chiefly to direct their attention. Here accordingly, we propose to treat of the natural fuel-tracts of the Punjab plains with a special view to Railway requirements, the measures already taken or proposed to be adopted for the preservation of the fuel in these tracts, and the means which have at various times been recommended to supplement them by growing fuel artificially, with some account of the measures now in progress to that end.

Nor does an excuse seem to be required for bringing forward the subject in this place. For although at first sight the supply of fuel appears a much less important matter than that of timber, yet it would not perhaps be difficult to shew that in those parts of this country distant from coal supply, the former is almost more vital than the latter, in regard to the general wants of the people; while its importance in other respects is sufficiently evidenced by the frequency with which fuel was quoted in the late debates in the Legislative Council, in connection with the advisability of constructing certain great lines of Railway in preference to others. And as the Government is the chief holder of fuel-lands in the Punjab, it is of some moment to it that these should be properly utilized. On both these accounts, the present appears a time particularly suitable for the discussion of this question, seeing that even in the province but little is generally known regarding its later aspects, and that a turning point in the history of the fuel preserves, and a crisis as regards the supply of fuel for the Railways in the Punjab, seem both to be imminent.

And it is not perhaps necessary to do more than hint at an apology for introducing somewhat dry details, in order to the proper elucidation of a subject which, though of importance, is not at any time of a highly sensational nature; while the variety of

the kindred topics we have undertaken to compress into one paper, may perhaps form some excuse for its miscellaneous character.

To begin at the beginning then. In February 1851, towards the conclusion of a rapid journey over part of the then recently conquered land of the Five Rivers, the far-seeing Marquis of Dalhousie struck the key-note to one of the chief physical wants of the province in a special Minute regarding its scanty trees, a document which may be termed the *Magna Charta* of arboriculture in the province. He therein stated that the almost total absence of trees "leaves the whole territory one "continuous stretch of unrelieved plain, neither adorned by the "foliage which is its natural ornament, nor stocked with the "timber requisite for the thousand purposes in the every day-life of the people who dwell in it." "A manifest evil which "will be shortly felt to be an increasing one, unless some "measures are taken at present to provide a remedy for "the future." He pointed out the evils resulting from this state of things; in particular, that from want of cheap wood-fuel, the land gets but a very small proportion of the manure which should return to it, by far the greater part being used as fuel; an evil which has been much too little dwelt upon in the late discussions. He then pointed out, that so far as he could judge, nature presented no obstacle to the growth of trees in the Punjab, (scarcity of water being in most places *the* difficulty), and he called upon all officers from the highest to the lowest to aid in forwarding tree-planting, including the formation of fuel preserves near large towns; and he suggested that even cultivated land should be taken up, if need were.

Lord Dalhousie concluded by saying: "None of us can live to "see the complete result of that which we now propose to commence; few of us will gather the fruit where now we plant; but "we will leave an heritage for which posterity will be grateful." An appeal like this, from a Governor-General like Dalhousie, in a province administered as the Punjab then was, ought to have borne fruit, and it did so, though to a far less extent than it should have done. His Lordship appears to have imbibed the notion, very common then and not altogether unknown since in the Punjab, that every thing could be done through the people. And in districts which were exceptionally well situated as near Lahore, or exceptionally well managed as Goordaspore, many groves and miles of avenues are still in existence which owe their origin to the "spurt" which was put on in the early days after that Minute,—when the district officer had a much stronger



personal command of his people, and was able to encourage the planting of trees by granting aid in digging wells, and so on.

But such success was for the most part only local and temporary, and within a few years it was found that generally throughout the province, the mainstay in regard to the increase of trees on the large scale (*i.e.*, excluding the few which the agriculturist plants by his well or homestead), must be the direct action of Government. And accordingly, each year, sums are granted to district officers for planting trees in avenues or groves. Such expenditure when made near Head Quarters of districts, which it mostly is, has on the whole been fairly, and in many cases excellently, well laid out. In most Punjab districts one visits now, the inhabitants, almost invariably *laudatores temporis acti* in this respect, declare that formerly trees abounded, until the Pathans ravaged the country, or the Sikhs cut the trees down for fuel, or the *Sirkar* gave such inducements to extend cultivation that all jungle is being abolished. But so far as our evidence goes, it seems clear enough that under the peaceful rule of the British and owing partly to the efforts of their officers, although the results are as yet totally inadequate to the needs of the case, yet the plains of the Punjab now contain more large trees than at any former historical period.

But when such grants for arboriculture are distributed, as is frequently the case, by officers having no special interest in the matter, to *tahsildars*, *thanadars* and *darogahs* for tree-planting in their respective beats, the practical results are but too often miserably incommensurate with the expenditure, and are at times only shown by a few scraggy, neglected, hacked and eaten down or dried up trees, along roadsides or about *thanahs*, &c. On paper, however, the results look well enough, and returns of thousands of trees "planted out and now alive" are annually sent in to that much abused repository of doctored statistics, the Public Works Office.

One district officer is quoted as possessed of so much faith in the honesty of his subordinates, or the endurance of central authorities, that he positively sent in a return for his modicum of arboricultural grant, of 6,50,000 trees planted out within the year; equal to about five square miles of groves, or more than 900 miles of road, with a double avenue on each side! We are told of another officer, who had been pressing arboriculture on his subordinates, and getting and forwarding splendid *nukshas*, and who, on the approach of a late Lieutenant-Governor, had announced that His Honor would be sure to ask about and look at the trees. In passing along the road things looked promising enough; lots of nice fresh young trees, ground about

them well cleared and so forth, when suddenly His Honor laid his hands caressingly on one which gave way and fell, showing that it was merely a bough stuck in to do duty during His Honor's passage; and too many of its neighbours are said to have been found to be equally deceptive.

The want of trees which so struck Lord Dalhousie, has since struck every observant traveller on a first visit to the Punjab, especially if his eye has for some time been accustomed to either the dense vegetation of portions of Bengal, or the numerous mango-groves, &c. in many parts of the North-Western Provinces. And in the Sikh times when, as we have said, large trees were still more scarce, various officers mention that the Sikh rulers took special care of their *shikargahs* or *rukhs*, that there was no regular felling except for timber &c. for their own use, and grazing was only rarely allowed, even on payment of *trirni* (grazing tax). And in one of the Conservator's reports, it is mentioned that near Umritsur, some years ago, a peasant said to a Settlement Officer: "In the time of the Maharajah (Runjeet Sing) if a man had taken a *dhak* leaf for a plate, his hand would have been struck off, but the *Sahibs* are not half careful enough of their *rukhs*." By and by we shall see how little careful they have been.

Before entering on a short description of the chief fuel-tracts in the parts of the Punjab already or soon to be traversed by Railways, it will be well to enumerate the principal plants arboreous or subarboreous, used for fuel, and found in waste land near the lines. *Phulai* (*Acacia Modesta*) furnishes a hard wood which is perhaps the best fuel given by any wild tree within our limits, but it is only found in quantity over small spaces near Umritsur and Jullundur. *Dhak* or *palas* (*Butea Frondosa*) grows in quantity to the south-east of Umballa, and more sparingly to the westward of it, in parts of the Jullundur Doab and near Umritsur, but its wood is too soft and light to furnish, unmixed, a really effective fuel. *Jhand* or *kandi* (*Prosopis spicigera*) covers very large areas in the central tract near Lahore, and grows more partially over many parts to the south. Its wood is open-grained and softish, and is very subject to the attacks of white ants. But it furnishes a fair fuel, and has hitherto been perhaps the chief source of supply for the locomotive in the Punjab. Next to it as to quantity of fuel furnished, come the Tamarisks, *furas*, *lei*, *pilchi*, &c., (*Tamarix Orientalis* and *Tamarix Indica*) which from some miles south of Lahore southwards, cover hundreds of square miles of the low land, and there furnish the chief part, as in Sind they have given almost the whole, of the wood-fuel for locomotive and steamer.

The wood is loose-grained and light, and decays easily, but it gives a fair fuel for such purposes, although the odour caused by its combustion when it is not well dried, is said to unfit it for domestic use.

In many parts *malla* or *beri* (*Zizyphus Nummularia*) grows abundantly, but it is too small for the locomotive and has mostly been used only for brick-burning. To this use have also been applied various species of *Salsolaceæ*, (*lane*) which abound in the more saline dry parts of the Doabs, west of the Bias. *Karil* (*Cupparis Aphylla*), a shrub which attains a considerable size, is common in many places, especially to the west, but is for the most part only used on the large scale for brick-burning. This is also the chief use of *jal*, *wan* or *pilu* (*Salvadora Oleoides*), a nearly worthless small tree which is far too abundant to the south of Lahore. It is only employed for locomotives when largely mixed, although the steamer-boilers appear to be less fastidious. Mixed with scrap-wood of *deodar* and other pines, it furnishes an excellent fuel for brick-kilns. Along parts of the rivers in the southern extremity of the province, *bahn* (*Populus Euphratica*) is not uncommon, but its wood being excessively light, is said not to be employed for locomotives. And when used in steamers for which even, only a proportion is accepted, burning flakes are apt to escape from the chimneys, so as to endanger the awnings and the goods on deck, &c.

The *kikkar* (*Acacia Arabica*), *tali* or *sissoo* (*Dalbergia Sissoo*) and *ber* (*Zizyphus Jujuba*) though occasionally found growing in the jungles, may for practical purposes be considered as nowhere wild in quantity in the Punjab plains. It is not necessary, therefore, to do more than allude to them in this place. Although as all are easily raised, grow with fair rapidity to a considerable size, and furnish good fuel, they are of much importance in regard to the artificial raising of wood-fuel.

The views which have generally been laid down as to the rate of growth of the more common of the fuel plants, are very various and mostly somewhat vague. Thus while the period of reproduction after felling (*i. e.*, from the stump as in copping) for *jhand* has generally been put at ten years, one authority assumes eight, and another six years for it. It appears probable, however, from later observations, that at 10 or 12 years of age *jhand* does not, as a rule, exceed the same number of inches in girth, which is much under the usual felling size for it. The smaller Tamarisk (*T. Indica*) is usually held to become fit for felling in about 8 or 10 years, and as it is a quick grower, and is generally cut of a smallish girth, the latter number may be, in favourable circumstances, not far from

the truth. As to *kikkar* there ought to have been much less doubt, since trees of known age are common, being often planted, which the others are not. But it is not so; for we find that one authority stated that it will not exceed 18 inches girth in "10 or 15 years," while another declares that it attains its "maximum" in ten years. More exact observation appears to have determined that this tree will in tolerably favourable circumstances attain a girth of about 30 inches in 10 or 12 years.

In reviewing the extent and character of the chief natural fuel-tracts of the Punjab, our remarks will chiefly apply to those calculated to supply part of the wants of the Punjab Railway from Lahore to the Chenab (Trimab) at Moulton, already completed, and the Delhi Railway, of which some 60 miles are now finished eastward from Umritsur, and the remainder likely to be so within the next two or three years. The demand for these is at present the most urgent, but the question of fuel for the Peshawur line *when* it is sanctioned,—and it is only a question of time,—will be still more pressing, owing both to the extreme scarcity of standing fuel within reach of it, and the distance of any considerable source of coal.

We may as well premise a definition of a word which occurs very frequently in the papers connected with fuel, *viz.*, *rukhh*. This is equivalent to "preserve," being derived (as is the term *rakha*, a watcher) from the word *rukhnā*, to place or set apart, and is now generally applied in the Punjab to Government or other lands specially set apart for the growth of fuel or grass. As to the *preservation* of these, that is another matter of which more further on. The synonyms of *rukhh* in various parts of the province are *chuk*, *rund* and *shikargah*.

The quantity of fuel to be got from the outer hills (Siwaliks, &c.,) between the Jumna and the Ravi, is now held to be quite inadequate, as well as too distant, to furnish at moderate rates anything like a sufficient and continuous supply for the wants of even the nearer portions of the Railway. Thus our remarks will be chiefly confined to the supply in the plains. And even as regards the latter, we may leave out of account any estimate of that which stands on land in the hands of private individuals, as being much scattered and of comparatively small moment, and because our knowledge of it is so slight as to render impossible any decent estimate of its amount.

At the Delhi extremity of the line, only the terminus lies south of the Jumna, and so within Punjab limits. But as in Delhi there will probably be large work-shops likewise, the supply for which may partly be drawn from the Punjab side of

the river, as well as perhaps part of the fuel for the down-trains of the E. I. Railway, to the first fuelling station in the Doab (Ghazeraabad), it may be well to note what Government fuel-growing land is available near that place. In the Delhi district, and within a circuit of a few miles from the city, are several plots of Government land, (there generally called *shikargah* or *rund*) which appear to aggregate some five or six thousand acres in extent. But the only one of these which contains any considerable quantity of natural standing fuel is Tilauri on the Jumna, some twenty miles below Delhi, which may have a lakh or more maunds of wood, chiefly *kikkar*. Only one or two of the other plots contain a very much smaller quantity of standing fuel, chiefly *dhak*, &c., most of them at present producing only grass.

The Ganges Doab, from the Jumna bridge at Delhi to the bridge over the same river near Jugadri, 120 miles of line, being in the North-Western Provinces, it does not fall within our scope to discuss the supply of fuel there; especially as we have no certain information regarding the extent, which, however, we believe to be very inconsiderable, of fuel-growing land in the hands of Government. The Siwaliks, however, and the Sub-Siwalik forests, (to the west of the Jumna the latter diminish and eventually disappear,) are within a reasonable distance of part of that portion of the line, and may for a time, until plantations can be raised, or Bengal coal can be brought up cheaply, be able to furnish some of the supply.

In the plains to the west of the Jumna, in the Umballa district, there is understood to be no fuel-growing land in the hands of Government. The only Government *rukḥ* in the district is the Kalesar *Sal* forest of about 12,000 acres, lying near the Jumna, in a fork of the Siwaliks. It could, however, supply only a very moderate quantity of fuel from its under-growth, &c., the *sal* being much too valuable to be used for that purpose. The scrub on the Siwaliks themselves becomes more scanty towards the west, but a temporary and limited supply might be obtained from that source, and from the Kyarda Doon belonging to the Nahan Rajah, whence it can be brought down the river. There also is, or has been a large extent of *dhak* jungle, on village-lands to the south-east of Umballa. But the demands on it for the large cantonments and for P. W. D. wants, appear to be quite enough for the capabilities of that tract, and sportsmen familiar with it for years, tell us that each season sees an increase of the clearance so effected.

On the whole, therefore, it seems very evident that the natural supply in Umballa will be quite insufficient to meet Railway

wants. The same may be still more strongly assumed with regard to Loodiana, where there is no land whatever in the hands of Government, and the Siwaliks are still more distant from the line, and more scantily provided with jungle. The only hope of even a temporary supply appears to be from the poor scrub in the corners of village-lands, and the *kikkar* trees, here pretty numerous scattered in fields and by villages. When prices rise high enough, the owners will doubtless be tempted here as elsewhere, to sell these for fuel; indeed, they have already in some instances yielded to the temptation. But in the interests of the villagers themselves or of the country generally, this is hardly a consummation to be wished.

The Jullundur Doab, the whole breadth of which, where it is crossed by the Railway line, is occupied by the district of the same name, is nearly as badly off as the last. The only Government land with any fuel, is a *rukḥ* called Sarungwal of about 600 acres, which has for years been made over for the supply of grass to the Cavalry and Artillery at Jullundur. We may rest assured that the grass-cutters, in taking off a daily supplementary bundle of fuel on the top of their head-load of grass for the benefit of their *dal roti*, have not given the stock of standing fuel much chance of increasing since they took the *rukḥ* in hand.

In this Doab, there is an area of about 10,000 acres of *dhak* jungle belonging to the Rajah of Kapoorthulla, which has recently, in connection with the "Railway scandals" at Lahore, become notorious as the Phugwara Rukh. If the standing stock of fuel on this were even nearly equivalent to the price paid for it by the Railway Company, this portion of the line might be reckoned tolerably fortunate. But as certain authorities have some doubts on this matter, and the Agent of the Railway himself, who was long Deputy Commissioner of this district, made no allowance in any of his plantation schemes for any such large supply from natural sources as the *rukḥ* would furnish if not bought at too high a price, we may perhaps venture to suppose that there has been some great exaggeration, and that the Railway Company have paid somewhat dear for their whistle.

Crossing to the west of the Bias, we find in the Umritsur district some 10,000 acres of *rukḥ* land in Government hands, much less than one-half of which is, or has recently, been covered with even moderately good jungle, chiefly of *dhak*, *jhand* and *phula*. The first of these is not found in quantity to the west of this, nor does the last extend further within our limits, but *jhand* is one of the chief fuel-plants

to the west and south of this point. Notwithstanding that the stock of natural fuel is so lamentably insufficient here, a good deal of the Government *rukhs* land in this district has been parted with within the last few years; some of it, since the approaching increased demand for Railway fuel might have been foreseen.

In the Lahore district, there are at least 2,50,000 acres of Government *rukhs*, and of the uncultivated portion of these perhaps 1,70,000 acres lie Cis-Ravi, whence the demand is chiefly met. Of the latter area there may be 1,20,000 acres neither under grass only, nor given over for grass to cantonments or city, in which latter case, the fuel is so apt to be carried off in dribblets. These *rukhs* have recently been producing an annual average income of fifty or sixty thousand rupees from grazing fees and leases, and sale of fuel. The latter is mostly *jhand*, but in the southern parts of the district there are parts of the *rukhs*, which have not more than a maund or two of that wood per acre. There, as well as in the districts further south, is in many places a very large proportion of *jal*, which is practically of but little use as fuel, with a varying proportion of *karil*, which is perhaps of still less value for this purpose.

In the district of Montgomery to the south of Lahore, there is in the hands of Government an immense extent of waste land, not less than twelve *lakhs* of acres. Of this 1,80,000 acres are reported as covered with jungle, but this is probably very much under the mark. Here this, the Baree Doab, assumes fully the characteristic appearance and general structure which is only indicated in the southern part of the Manjha ("middle part") further north, of a central dorsal plateau considerably elevated above either river, especially towards its centre. On either side, this drops suddenly by the *dhaya* (a local term for this particular dip), to a flat alluvial tract of several miles in width, running along either river. The dorsal ridge is called the *Ganji Bar* ("bald tract"), and much of its soil being intensely arid and often saline, grows but little except *jal* and some salsolaceous plants, with a few bushes of *jhand*.

But over considerable portions of the low tract on either side, aggregating some 2,50,000 acres in the hands of Government, there is a plentiful growth of Tamarisk, with, in some parts, a fair amount of *jhand*. The increased growth here is supposed by Dr. Stewart, the present Conservator of Forests in the Punjab, to be partly caused by drainage from the dorsal ridge. It also probably in part depends on the fact, that its lowness enables many

parts of it to get additional supplies of moisture from side channels of the river, which become filled during the annual inundations. In some places in this tract, the quantity of standing fuel of natural growth is not less than 150 or 200 maunds per acre.

So long ago as the period of Settlement, (about 1856,) soon after steamers began to ply upon the Punjab rivers, about 30,000 acres were reserved for fuel, and in all about 30 *rukhs*, aggregating nearly 60,000 acres, have been set aside for this purpose in Montgomery, and are understood not to be systematically felled, but to be held in reserve. Altogether, this is the part of the province by far the best-stocked with fuel, in proportion to local demand. But already the tracts nearest the line have begun to be impoverished, and the drain towards Lahore on the north and Moultan on the south, has for some time set in. The income got in this district on account of fuel alone in 1866-7, *viz.*, Rs. 35,000, indicates, calculating from the ruling seigniorage rates, a quantity removed of at least 9,00,000 maunds, which must be four or five times as much as the Railway consumes within the district.

Moultan contains at least as much Government waste land as the last district, but much of it is very arid or saline, and barren, and only a small proportion has a fair covering of *jhand*, while a still smaller has a tolerable stock of Tamarisk. An aggregate area of 60,000 acres has here been reserved for fuel for Railway and steamer. The demand for both of these has been very heavy, and as is believed, much in excess of the natural stock, so that parts of the southern and northern corners of the district, where lie the chief sources of supply, have been considerably exhausted. This result was many years ago predicted by Colonel Hamilton, then Commissioner of the Division.

The district of Muzuffurgurh, beyond the Chenab (Trimab) from Moultan, and lying in the angle formed by the junction of that river and the Sutlej with the Indus, is the last with which we have to deal here. It is as to extent of fuel-bearing land, in circumstances similar to those of Moultan; but its 9,00,000 acres of Government waste are less well-stocked than the waste of that district, and the fuel of many of its reserved *rukhs* (aggregating 92,000 acres), though situated conveniently enough for the steamers on either rivers, cannot readily be made available for the locomotive.

The principal cause of the deficient supply of natural fuel which has above been indicated, is unquestionably the aridity of many parts of these tracts, a fact which Lord Dalhousie seems to have ignored when he wrote that there was no natural



obstacle to the growth of trees. Doubtless the pooriness or saline nature of the soil, in many parts of especially the Baree Doab, is sufficient to account for that deficiency of shrubby and arboreous growth which there at times so painfully strikes the traveller. But that a want of moisture in earth and air is the chief and pervading cause of such a dearth of verdure in many parts of the province, is evidenced by various facts and considerations which it would be out of place here to enter upon at length. The flush of grass which after scanty showers comes up in even the southern Baree Doab, is sufficient to shew what the effect of more abundant moisture might be on the larger plants.

An illustration, that want of moisture is *the* obstacle, may be derived from examining a piece of waste ground near the head of the Baree Doab, and another some way south towards its extremity. On the former (even where the soil is poor and stony,) with a fair surface, there will be in places a dense growth of jungle, and as each seed which falls from quasi-indigenous trees like *kikkar*, &c., has here a fair chance of doing well, a good many self-sown trees of these will be seen. In the south again, on a plot of even good soil, high on the *Ganji Bar*, with water sixty feet below the surface and an annual rainfall represented by decimals of an inch, no *kikkar* or such other seed has, as a rule, a chance of even germinating; while the trees from the few seeds of the scanty *jal and jhand* which have contrived to get sufficient moisture to enable them to germinate, have enough to do to reach their scraggy adult-hood, and often for miles the prospect is Sahara-like, and ghastly in its barrenness. But in the south as in the north, wherever there is plenty of moisture as from canals, or down near the river, vegetation is luxuriant enough. Unfortunately, in the Punjab the dry prevails very much over the fairly moist area, and the results accord with this, so far as the stock of natural fuel is concerned.

As the rainfall bears so strongly on this point as well as on the chances of successfully raising trees and consequently growing fuel artificially where irrigation cannot be practised, we give here the annual average rainfall of the parts of various districts with which we have chiefly to do at present in either respect. These figures are approximately compiled from the data given in Mr. Prinsep's Rain Map of the Punjab, framed in 1863 from several years' observations. For the parts of Delhi, with which we are most interested, the annual average rainfall appears to be about 17, Umballa 30, Loodiana 20, Hooshyarpore 30, Jullundur 25, Umritsur 28, Lahore 15, Montgomery 6 inches, and Moultan six-tenths of an inch.

It is hardly necessary for us to say more than a few words on the vexed question of the influence of trees on climate. Perhaps the best collection in the English language of evidence on that as well as on several connate points, is given in Mr. G. P. Marsh's "*Man and Nature*" (1864.) A great deal has, at various times, been said for and against the theory that increase of trees in a given tract augments the amount of rainfall. After perusing carefully much that has been written on this subject, including the miscellaneous, and not always logical, brochure by Mr. Dalzell, Conservator of Forests, Bombay, who takes the affirmative side strongly, we are inclined to think that, as a rule, the number of trees does not affect the rainfall. But we cannot doubt that by causing an increased deposition of dew, and to a great extent preventing the evaporation of moisture from the earth, whether derived from rain, dew, or otherwise, an increased number of trees is calculated to modify an arid climate very materially for the better. This and the other beneficial effects arising from afforesting a previously treeless tract, are quite sufficient to warrant the adoption of the most energetic measures to attain that result.

In the reports on fuel in the Punjab, now before us, there is, as we think properly, no stress laid on the planted and self-sown trees growing on village lands, as a source of supply of fire-wood. In parts of even the arid Punjab, these are pretty numerous, having increased largely of late years, since swords have been turned into sickles under the strong *Sirkari raj*. At present, the chief consumption of such trees is in the construction of houses, and for agricultural implements, &c. And as the supply is nowhere too large, and in many parts is lamentably too small to meet the wants of the people in these respects, it is much to be deprecated that the time should ever come when these shall be disposed of wholesale for Railway fuel, and so alienated from their legitimate purposes. But even a moderate further increase in the price of fuel will infallibly lead to this very undesirable result, and so the country be unfairly denuded of part of the few trees it possesses, unless effectual measures be taken to meet the Railway demand from other sources.

Six or seven years ago, a great cry arose in the North-West Provinces, that the Railway must soon stop for want of fuel, and means were adopted to count and estimate the value of the trees on village lands in certain tracts. The conclusion come to from these estimates was, that in the Doab the quantity of such standing timber was such as might supply all probable Railway wants for fifty years. While the demand continued

eager, these were in some places sold for fuel, and a counter-cry speedily arose as to the imminent denudation of the country. More recently, however, it has been found, that Bengal coal can be profitably burned at least up to near Delhi, and so for the present, the village trees in the Doab are probably safe.

But as we shall by and by show, there is no speedy prospect that coal from either Bengal or Kurrachee can be profitably employed above Delhi. And as we have seen, in the Punjab village trees are infinitely fewer than in the North-West Provinces; consequently prices have risen so high that in some places the villagers have been tempted to sell their trees for fuel, and this merely to meet the demand for bricks for the *construction* of the Delhi line. In Loodiana a good many *kikkar* have been thus disposed of, and near Jugadree, mango-trees have been sold for brick-kilns at seven and eight rupees a tree, having originally been granted by Government to the people at three rupees a tree!

The only redeeming circumstance about this state of things is, that the high prices may tempt the people to plant largely. But we believe that they will be long in learning that if the returns from trees are slow, they are both large and sure. It should be kept in mind that it is only some scores of years since Scotch lairds began to realize the value of the paternal advice given by one of Sir W. Scott's characters: "Be aye stickin' in a tree "Jamie, it'll be growin' when ye are sleepin'." And we fear that if such sales become prevalent, the country will soon be barer than even at the time of the Dalhousie Minute. It may be hoped, however, that the proper measures will be adopted for preventing a continuance or intensification of the state of matters we deprecate.

We shall now consider shortly the demand for Railway fuel, present and prospective, with some of its bearings upon prices &c. And we may start with the certainty that even before the locomotive began to ply in the Punjab, the demand for fuel was rapidly increasing from general augmentation of the population, and the increased desire for comfort caused by the existence of a settled Government and the absence of disturbing causes such as wars and forays. The addition to the ordinary demand of that for the short line of 32 miles from Lahore to Umritsur, opened in April 1861, had not in itself much effect. But simultaneously with this proceeded the construction of the 200 miles of line from Lahore to Moultan, in burning bricks for the ballast &c. of which, an enormous quantity of wood-fuel was employed, and the price of the article speedily rose. Indeed,

as far as retail rates are concerned, they have not got very much higher since, about Lahore.

In connection with a question such as the general supply of fuel, where neither the exact amount of supply nor of demand can be arrived at, at least in this country, some rough and ready indicator of the shifting relation of these is wanted, which in this case is the fluctuation of price. This can always be obtained with sufficient accuracy from the Commissariat rates for the years, and from the *Gazette* notices of prices of produce in the various districts, which are published quarterly. From these sources, then, it has been found, that from 1857 to 1864, the retail price of fire-wood at Lahore rose 100 per cent., and that in the period from 1860 to 1864, the average increase of price in Lahore, Umritsur, and Moulton was about 35 per cent. In nine districts on and near the line of Railway, the average rise in price from January 1864 to the end of 1867, as given in the *Gazette* returns, was 30 per cent. For steamers again, in the southern Punjab, the price of fuel from 1863 to 1866, had increased 25 per cent. at Moulton, and the rise had been still more rapid on the Indus.

These figures may serve to indicate how great was the disturbing influence exercised by the added demand for Railway and Steamer, upon the fuel market. At the same time it should be remembered, that the rise does not at all indicate a proportional diminution of the total stock of standing fuel, but more properly shews an augmentation of the distance whence the latter has to be brought to market, which so far indicates a diminution of the *available* stock. As the raw material of fire-wood is very cheap, *i. e.*, a large (quantity or) weight of it is got for a relatively small sum, it follows that in most cases, carriage bears a very large proportion to the price of the article at the place of sale. Consequently an increase in the distance of the place of production is, in practice, to a certain extent much more than equivalent to the proportionate reduction of the whole standing stock. It is sometimes contended by objectors, that the recent increase in the price of fuel in the Punjab, is quite accounted for by the rise in the rates for manual labour, and for produce generally, but the facts of the case do not bear this out.

Carriage of fire-wood costs about 5 to 7 rupees per hundred maunds for every ten miles by cart, and the felling and cutting up of the fuel may cost 3 rupees per 100 maunds. The only other important item of cost is the seigniorage or royalty payable to Government (or other owners of the standing fuel), which may be held as equivalent to the cost of raw

material. In the Punjab the seigniorage has hitherto borne a very low proportion to the market price of fire-wood and the rates charged in some other province. In Sind, for instance, where the supply bears a more favourable relation to demand than in the Punjab, the seigniorage is Rs. 6-8 per 100 maunds. And till recently, in some tracts of the Punjab, when the Railway fuel contractor was getting more than Rs. 20 per hundred maunds from the Company, only Rs. 2-8 seigniorage was being paid to Government. More recently, however, seigniorage in Lahore has been raised to Rs. 6, and in the districts in the south to Rs. 5, per hundred maunds. But that even the former rate is probably too low, is indicated by the facts that in 1866 the fuel in two Umritsur *rukhs* was disposed of by auction at Rs. 8-5 per hundred maunds, and Rs. 8 seigniorage has recently been at once offered for standing fuel near Delhi.

It should be noted, that it is both just and expedient that the seigniorage should be raised as the stock of standing fuel falls low. Firstly, because the value of the raw material is becoming greater. And secondly, the higher the seigniorage is kept, so long as it is not factitiously raised *over* the market value of the raw material, the less risk there is of the article being wasted.

It is evident that the rise in the price of fuel will press more heavily, in proportion, on poorer purchasers than on large consumers like the Railway Company, who buy and carry wholesale, and can arrange for supplies from more distant sources. Dr. Stewart calculates that a rise of fire-wood to double its present price at Lahore, will affect the expenditure of a native to about 15 per cent. on his income of 4 or 5 rupees per mensem. In one of the reports before us also, it is stated, that at one time when poor consumers in Moultan were paying Re. 1 for 3½ maunds, the Railway Company were bringing it from some miles off along the line at 12 to 14 maunds for a rupee. Anything, therefore, which will keep the rise in price within moderate bounds, will be a special boon to the poorer classes of the people.

But even to a great mercantile body like a Railway Company, requiring an enormous quantity of fuel continuously and steadily, so considerable is the relation of its cost to their total expenses, that any legitimate means of keeping it down deserves serious attention. Thus the total expenditure on the Punjab Railway up to 31st July 1866, was about 230 lakhs of rupees. And if wood-fuel rise to double its present price (before which coal at ruling rates of carriage cannot compete with it at Lahore), the *increase* will amount to nearly one-half per cent. on the above sum; a matter of appreciable moment to a Company

whose gains over the Government guarantee may not for long be reckoned by more than fractions per cent.

To shew how difficult it is to exaggerate as to the demand for fuel, we may note the following facts. In 1864, Dr. Stewart, from all the data then at command, calculated the annual necessities in Moultan for fuel for Steamer, Railway, and great Public Works, &c., at a little over six lakhs of maunds. But the amount of seigniorage paid proves that the actual consumption in each of the years 1865-6 and 1866-7, was about twelve lakhs of maunds, or nearly double the estimate. It can hardly be supposed that any of the Moultan fuel went north, for we have already seen that in the latter year the fuel sold in Montgomery was enormously (four or five times) greater than the known Railway wants of the district. Again, a considerable portion of the Montgomery fuel is probably consumed within the limits of the Lahore district, and in 1866-7, at least 52,000 maunds crossed to Lahore from the right bank of the Ravi, part of it being in all probability derived from Goojranwalla. Yet in the same year, the quantity of fuel sold from Government land in the Lahore district, was quite up to the estimate of 1864.

The total demand for the line from Delhi to Moultan, about 450 miles exclusive of the Doab portion, was, in 1866, estimated by the Railway Agent from the actual consumption between Umritsur and Moultan, at about 10,00,000 maunds per annum. This is irrespective of increase of traffic per mile, which is certain to result from the opening of a greater length of line. When to the above quantity we add 5,50,000 maunds of fire-wood consumed by steamers on the Punjab rivers in 1865, we have the enormous quantity of 15,70,000 maunds of steam-fuel annually required in the Punjab, even without allowing for increase of traffic, or extension of line beyond those completed or nearly so.

It is not likely that in the earlier stages of the fuel question, a consumption at all approaching the above was conceived of, or at least realized in connection with existing supplies. For we find that in 1851, Mr. Edgeworth, a well-known botanist and an accurate observer, who was then Commissioner of the Moultan Division, considered the fuel on the Sutlej part of the Moultan district, "practically inexhaustible" as regarded steamers, and that although close to the Chenab above Moultan, the supply might not last for more than four or five years, yet that, in land on the *Bar*, the stores were "inexhaustible." He, however, appears to have harboured some doubt on the subject, for we find him in the same report, with remarkable

foresight, suggesting plantations along the rivers on a considerable scale. In 1855 again, the Deputy Commissioner of Moultan reported that "unless cultivation increased in an "extraordinary manner," the supply for steamers was "in-exhaustible."

There was perhaps more excuse for vagueness here, before the insatiable voracity of the locomotive for fuel was known, than in the early times of working the *deodar* forests, and the handy adjective appears to have been nearly as great a favourite in the former as in the latter case. We are told that it is still occasionally heard as to fuel supply, but only from district officers and others of a noted conservative type. It is, however, frequently in the mouth of natives who, in this as in all else, prefer the vague to the definite, however much circumstances may favour them in getting at the latter. Thus, in one of the reports before us, mention is made of a Railway fuel contractor near Moultan, who stated the standing fuel on a certain tract to be *beshumar*,—equivalent to the familiar "inexhaustible;" whereas on enquiry it came out that in the two or three years since the cutting of fuel had commenced, the distance whence it had to be brought had increased four or five miles!

We have now cleared the way for some details as to the variations and fluctuations in opinion respecting the management of the fuel preserves of Government, and as to the fuel question generally. And although a continuous narrative, however succinct, of such changes, is open to objection on the score of monotony and some repetition as well as discursiveness, it is probably the form best calculated to indicate the process by which these matters have reached the stage where we now find them.

So early after the conquest of the Punjab, then, as April 1851, Mr. E. H. Prinsep (now Settlement Commissioner) submitted a very elaborate report on the whole of the Lahore *rukhs*, with detailed map, surveys and estimates of the quantity of fuel in each. He shewed that already we had far fallen off from the strictness of the Sikh system of managing them. The wood and grass were being sold wholesale, with enormous profits to contractors (mention being made of one man who had got the products of two *rukhs* for 1,950, and had made at least 5,000 off the wood alone), and that the villagers near the *rukhs* were openly battenning on their plunder. Large stores of fire-wood might be found in each neighbouring hamlet, as much as 25,000 maunds of *jhand* roots being found piled in one village. And it was stated, that the people generally were living as much on the produce of the abstracted wood as of their cultivation.

No wonder that they complained of the restrictions which then began to be placed on the pillage which had prevailed for the previous few years.

But there was as yet no glimmer of the truth as to the great value of these *rukhs*, for Mr. Prinsep estimated the value of the standing fuel on the whole of them at 70,000, and stated that the wood gets so much lighter in drying, that one would hardly think it could pay the expenses of cutting and carriage. Even then, however, it could not have been *very* cheap, for only three years later, fire-wood was selling in Lahore at less than 4 maunds per rupee.

Looking at the question as we now do, it seems almost ridiculous that a special dispatch should have been elicited from the omnipotent Court of Directors, by some remarks in Mr. Prinsep's report regarding the want of check on the *grass* taken from some of these *rukhs*, nominally for the cavalry. In consequence of this weighty missive on a weighty point, a system of nominal rolls and tickets by which to check the grass-cutters of cantonments, was propounded, laughed at, and we believe, never put in practice.

Within a short time of Mr. Prinsep's report, the Commissioner of Lahore, Mr. (now Sir Robert) Montgomery proposed, but fortunately without success, that fifty-six (or more than half) of the Lahore *rukhs*, should be broken up and disposed of; an instance of a mistaken policy on this point, to which the late Lieutenant-Governor appears to have adhered till the close of his career.

The first definite official statement with regard to general fuel prospects south from Lahore, was that by Mr. Edgeworth already alluded to, and also put forward in 1851. For some years after this, nothing appears to have transpired on this subject.

In 1856, the scheme for selling the *rukhs* was again proposed, but on a larger scale, for Government was now urged to dispose of *all* of these which were not needed to supply grass for cantonments. Again, fortunately, the proposal was quashed.

Soon after this, the demand for fuel for the few steamers that then plied on the Punjab rivers, coupled with sunny hopes, not yet realized, that these would soon be multiplied by scores, drew increased attention to the subject further south. And in the district of Gogaira (now Montgomery), where a settlement was about this time being effected, several plots of Government waste land were, as we have seen, actually set apart for reserve to supply steamer fuel.

In 1858, Mr. Cust had occasion to review officially the Lahore *rukhs* question, and mentioned that in the preceding year the



whole of these, then nearly as extensive as now, produced under 30,000 revenue, which may be contrasted with 42,500 for grazing dues alone, besides nearly 30,000 for fuel, during the last financial year. In the same report, he inveighed against the appointment of a person at Rs. 1,000 per month to look after the *rukhs*, who had done *nothing* for them in return for his pay; and he vigorously summed up the evidence as to the inadvisability of their sale, by asserting it to be a measure which was strongly opposed by such men as Colonel Clarke, and Messrs. Roberts and Egerton, as well as by himself.

About the same time, the importance of the fuel in some of the *rukhs* began to be apprehended in a somewhat indefinite way, it having been calculated that if 50 maunds per acre could be got, the land would bring nearly seven annas per acre; more than the average grazing dues of that time. Soon after this also, as it began to be felt that if Railways ever were to be made in the Punjab, they must be provided with fuel, in the first instance, from existing stock on Government land, Mr. G. Thomson was deputed to examine in detail the Cis-Ravi *rukhs* of Lahore, with a special reference to this point. He appears to have made a careful examination of these, commencing by training himself to estimate correctly, by numbering trees, and felling and weighing those in sections of a certain size. The results as to quantities, &c., arrived at by him, were similar to those attained by Mr. Prinsep previously.

In 1860, Mr. Cust proposed that in order to provide for Railway wants in the Umritsur, Lahore, and Moultan Divisions, tracts along the line should be marked out for the protection of fuel, and even for planting on Government account. Two years later still, however, Dr. Cleghorn informs us that Colonel Hamilton, Commissioner of Moultan, stated to him that although fuel was becoming scarce near that city, yet that a little further off, the supply was "inexhaustible." But within a year, Mr. Ford, then Commissioner of the same Division, reported that the demand was very large in proportion to the supply, that there was need for better arrangements as to fuel, and that in particular no measures had been taken for re-producing fuel in place of that which was being cleared. Accordingly he recommended that felling of fuel should be carried on in blocks upon a regular system, and that planting upon a large scale should be commenced.

In January 1863, a Committee assembled at Lahore to consult on the fuel and *rukhs* questions; and singularly enough, Dr. Cleghorn who for a year previously had been specially employed on such enquiries in the Punjab, was not a member of it. The

majority of the Committee appear to have been mainly actuated by a belief that the demand for land in the Lahore district was much in excess of the supply, and that as thus keeping so much land locked up in *rukhs* was a mistake, the old suggestion that as many as possible of these should be disposed of, ought to be carried out. In certain circumstances, it is doubtless objectionable to exclude from the chance of cultivation large areas of land; but these circumstances hardly appear to be those of Lahore at present. And the Committee appear to have failed in appreciating the inadequacy of the stock of natural fuel to the demand which was then arising in consequence of the immense wants of the Railway being super-added to the growing necessities of the people. It was even doubted by the Committee if any special arrangements were necessary in regard to fuel; but if it were so, they recommended belts of plantation along the canals as the best way of supplying the want. And they proposed that, except a small proportion to be kept for grants to deserving persons &c., all the rest of the Government waste land in the Lahore district should be disposed of on fair terms.

The logic of facts is, however, inexorable, as Napoleon III. has well said, and this was the last time of this line being taken officially. Henceforth for a time, the flow from all quarters, Civil, Railway, Revenue, Public Works Department, Forest, and Canal, of reports, minutes, letters, and memos on fuel was almost incessant, and almost every reference to the subject contained the strongest assertions, or as often assumed it as an incontrovertible fact, that the exhaustion of the stock of fuel was imminent and would be perilous. Henceforth also almost every detailed statement on the growing scarcity was accompanied by the proposal of some original project, or the discussion of others already made, for the artificial reproduction of wood-fuel. We shall try to make the best of the labyrinth of dates and opinions thus presented to us.

Within three months after the above Committee had met, we find Mr. Harrison, the Chief Engineer of the Punjab Railway, complaining of both the quantity and quality of the fuel that was being supplied, and suggesting the necessity of forming plantations of *kikkar*, in order to by and by obtain a larger supply, and of a better kind than the *jhand* &c. then in use. In June, the matter of fuel supply for Railways in the Punjab appears first to have come definitely before the Government of India, in connection with the question of *rukhs* management. Doubts were expressed by Government if the natural supply would not be too small, and whether planting (which was strongly advocated

by Drs. Brandis and Cleghorn, the technical advisers of the Government of India) would not be necessary.

Before the end of the year, Major Warrand, Deputy Consulting Engineer, Railway Department, in concluding a paper on the collateral question of a supply of wooden sleepers in the Punjab, alluded to the increasing scarcity of Railway fuel. And a few weeks afterwards, he submitted a detailed scheme for planting for fuel, which we shall notice subsequently.

The year 1864 opened with another proposal for planting from Mr. Furnivall, a Railway Engineer, which also we shall comment on by and by. In March, Mr. (now Sir Donald) McLeod, then Financial Commissioner, wrote a special memo on the fuel question, which he stated to be "rapidly becoming one of most serious importance." He treated the question broadly and boldly, and alluded to the facts that the demand for Railway and steamer was largely on the increase, while the supply was decreasing fast from clearing for fuel and encroachment of cultivation, and that there was no where any systematic effort to renovate the stock, to supplement the want of which the timber of the avenues and groves which had been planted, would go but a little way, even were it desirable to apply these for this purpose. The measure he strongly recommended was planting trees on the *belas*, or low lying alluvial lands.

These *belas* are extensive on some parts of some of the rivers, considerable portions of them being in the hands of Government. And at various times, acting on the general principle of the Dalhousie Minute, it had been recommended that they should be largely planted. This had been ordered in general terms by the Chief Commissioner in 1855, apparently in consequence of a report of the success of an experiment of this kind, made by Mr. E. Thornton on islands &c. near Jhelum, two years previously. In the Revenue Reports for 1861-2 and 1862-3, mention is made of fresh efforts in this direction in different parts of the province, but it does not appear that any of these has been attended with conspicuous or extensive success. So far as is known, the results of Mr. Thornton's original experiment are much the best of any, and Dr. Stewart remarked (in 1865) that in the twelve years since planting, about one-third of the best of his plantations had been eroded by the action of the river. This is *the* danger to be feared in such situations, where on the other hand, the circumstances are generally so favourable for the germination and growth of trees, that were the land stable, plantations on the large scale might be formed upon them with the very best chances of success.

Within a few weeks, the Financial Commissioner again wrote at length upon this subject of fuel, in connection with the planting schemes put forward by Major Warrand and Mr. Furnivall. The chief existing and expected sources of supply in the Punjab were reviewed, including the *rukhs* in the plains and the jungle of the Siwalik and outer hills, the canal plantations in course of formation, and the plantations proposed to be formed on *belas*. And although it was remarked that "the matter is much more serious than was at one time thought," yet it was stated that the expectation of a large supply from the above sources might be well-grounded, and it was recommended that only 500 acres of land for each hundred miles of line should be taken up for plantations, instead of the 1,500 that Major Warrand, and the 2,000 that Mr. Furnivall, recommended as needed for the *full* wants of the locomotive.

Major Warrand, in replying to the above, appears to have got thoroughly warmed up as to the advantages of Railway plantations, and he gave rather a roseate picture of the results. He believed that the sale of grass from the plantations in the early years of the trees, would cover nearly the whole of the expenditure, except the rent of land and price of fencing, and that the expense would be almost nominal when the trees had attained some size. He would place but little reliance on the supply from *belas*, and still less on the natural supply from the Siwaliks. And in allusion to the latter, he pointed out that the furnaces of the Kumaon Iron Company, had already eaten up the stock on the large tract of the outer Himalaya assigned to the Company.

Major Warrand laid very great stress on the high relation which the cost of carriage bears to the selling price of a cheap article like wood-fuel. To illustrate this, assuming that the carriage of 100 maunds costs eight annas for each mile, he calculated that it would pay better to grow fuel on land close to the line, rented at Rs. 6 per annum per acre, (including compound interest on the said rent for 10 years, until the trees are fit to fell), than to grow them on rent-free land five and a half miles off the line. The chief objection to this calculation is, that it reckoned on a production of 365 maunds of dry fuel per annum per acre, which is probably at least four times as much as will ever be got on the large scale. So that the rest of the data remaining as before, the rent-free land might be 22 miles off. And even thus the calculation is sufficiently striking.

In a review by Dr. Cleghorn of Mr. McLeod's *Minute*, its terms were generally approved of, the probable supply from the outer hills being estimated as very considerable. And a good

proposition was made, that part of what plantations were to be formed should be managed by Railway officers, and part by the Forest Department. This arrangement which, as will be seen, orders from the Secretary of State for India have prevented from being carried out, would probably have caused a healthy spirit of emulation, calculated in the long run to lead to good results.

About this time, the views of Dr. Stewart begin to crop out in the correspondence. Within a few weeks of his appointment in January 1864, the number and tenor of the references and communications on the fuel question appear to have led him to see that this would be one of the most important and pressing subjects with which, as Conservator of Forests, he would have to deal. He also seems to have fully appreciated the want of reliable data on which to found any fairly trustworthy scheme for raising an artificial supply of fuel. Indeed, at that time, almost the only tolerably trustworthy data appear to have been, that wood fuel dries in one-third of its weight before reaching a proper state for the furnace, and that a maund of dry fuel is the average quantity consumed by the locomotive in a mile run.

So he had set to work visiting *rukhs* in order to frame estimates of their capabilities for the supply of fuel, and getting at the size and weight of various kinds of trees of known ages. The girths of some 500 of these were measured, *kikkar* being adopted as in various respects the best standard, some of certain girths were weighed, and the specific gravity of various kinds of wood, green and dry, were determined. All this was done in order approximately to ascertain the amount of fuel per tree that might be reckoned upon within a given number of years. And the area occupied by trees of certain girths was measured, in order to settle with some degree of accuracy the greatest number of trees of a given size that could be relied on to be raised in an acre. In May 1864, part of the results of these investigations was appended to a report on the trees along the Khanwah Canal (in the eastern part of the Montgomery district), as being calculated to put on a somewhat more certain foundation future calculations of the probable results of planting for fuel.

In July, and again in August, Mr. E. Palmer of the Baree Doab Canal, an officer who had directed much attention to arboriculture, brought prominently to notice the capabilities for fuel growing of a tract of land close to the Railway station of Chunga Munga, 44 miles south from Lahore. There is here in the hands of Government an area of many thousand acres of good soil, a considerable part of it being bounded on either side by the Railway and the canal, much of it capable of irrigation

from the latter, and almost entirely uncultivated, so that no rights would be disturbed by its being taken up for planting. The circumstances of this land render it more favourable for a large plantation for Railway fuel than perhaps any other in the hands of Government in the whole province.

In July also, we find the Financial Commissioner and Secretary P. W. D., advocating the growth of *kikkar* on the large scale upon a cheap plan suggested by Dr. G. Henderson, Civil Surgeon of Shahpore, an officer endowed apparently with strong cultural tendencies, who had for two years been experimenting upon the growth of this tree with and without irrigation. Subsequent experience has shewn that the results obtained by him, especially without watering, must have been quite exceptional as to certainty and rapidity of growth. But for a time, the belief that it was otherwise did mischief by leading to fruitless efforts in this direction.

About the same time Major, now Colonel, Elphinstone, (then Deputy Commissioner of Jullundur), while contending that Dr. Henderson's irrigated sowings would fail on the large scale, and that growing a large proportion of the fuel wanted for the Railway upon the Baree Doab Canal near Umritsur, would cause immense expenditure for carriage by the Company, proposed a scheme of his own for planting. But he urged that 1,000 acres instead of 2,500 would probably be ample for the additional Railway wants in the Jullundur Doab. From a communication to be noticed subsequently, it appears that he conceived that very large supplies might be drawn from village lands, &c. We shall see hereafter, that with a wider experience, he as Agent of the Railway forsook this view.

During the same month, Mr. Harrison, Chief Engineer of the Railway, in a memo on this subject, dwelt strongly on the necessity for immediate measures to supplement the failing natural stock of fuel. He wisely argued that it would in every respect be better to have plantations of considerable size near fuelling stations than to form small ones at short intervals, as had been proposed. And he contended that the inconvenience to be caused to certain cultivators by taking up land of convenient areas, and in proper situations for this purpose, ought not to be allowed to delay or embarrass action in a matter of such importance.

The Secretary P. W. D. wound up this series of papers by advocating the canal plantations as a chief source of fuel, to be supplemented in parts distant from the canal by some special plantations, and by the supply of natural growth from the outer hills. And a few days later, an avalanche of papers, the

contents of some of the more important of which we have extracted above, was launched at the Government of India, with notice that instructions had been sent to the Chief Engineer of Irrigation to sow the whole of the "spoil-banks" of the Baree Doab Canal (many hundreds of acres) with *kikkar* broadcast, without irrigation, on Dr. Henderson's supposed principle. We say *supposed*, for these spoil-banks which consist of the earth thrown out in digging the canal, for the most part do not at all possess the low, level character which Dr. Henderson insisted on.

In August, Dr. Stewart submitted a detailed report on the stock of natural fuel in the *rukhs* from the Bias to Multan, founded on an inspection of the character and capabilities of a considerable proportion of them. The general conclusion arrived at was, that the stock of fuel on Government lands within that tract, part of it by far the best provided in this respect in the plains of the Punjab, would on the whole be quite insufficient to provide continuously for the wants of Railway and steamer. Certain further data as to rate of growth &c., were supplied, a calculation made that not less than 21 acres of plantation per mile of line would be needed fully to meet the wants of the Railway, and rough indications given of a plan for planting. In certain minor respects these last were subsequently modified.

Early in October, Colonel Dyus, Chief Engineer of Irrigation, reported that within an hour after the arrival at Madhopore (then Canal Head Quarters) of the orders of July, instructions had, in spite of the circumstance that it was then too late in the season to do much with advantage, been sent off to all Executive Officers of the Baree Doab canal, to sow *the whole* of the spoil-banks. And all that could be conveniently operated upon *viz.*, 2,760 acres, had been roughly ploughed and sown with *kikkar*. We may here conclude our notice of this somewhat hasty "spurt" of action, by stating that so soon as February, 1865, the Conservator reported that there was reason to believe that a very large proportion of the money thus expended had been thrown away. And it is now known that the results were practically *nil*, what comparatively few plants came up having almost entirely died down. It would seem that the Executive had become so eager through being so long held in leash, that when slipped they overran the game.

In November, the Financial Commissioner in commenting on Dr. Stewart's Railway fuel report, combated some objections that had been from certain quarters brought against planting in *belas*, and expressed an "earnest hope" that some plantation scheme would speedily be carried out.

About this time, Dr. Brandis, Inspector General of Forests, the creator of the Forest Department in India upon rational principles as to organization and conservancy, visited the Punjab to get clear views of the state of matters there. And in consequence of the conviction that was now springing up in the minds of all who intelligently studied the subject, that something must be *done* in regard to the fuel question, he submitted to the Punjab Government various propositions with the view of giving to the Conservator certain controlling powers over the management of existing fuel preserves, as well as of infusing more method into the system of treating them. He also conceived that the time had arrived for at least experimenting on raising fuel, and proposed that the Conservator should be granted land and means for testing this. Mr. McLeod, while highly approving of the tenor of these propositions, and affirming the need for carrying them out, remarked that some tact and delicacy would be necessary in regulating the relations between Civil and Forest Officers, but that doubtless these would not be wanting.

On these proposals the Punjab Government observed that "very decided measures" were necessary, and ordered that they should be carried out. The Conservator was to have made over to him 300 acres of land in varying circumstances, for experimental planting on a sufficient scale. All forest and fuel-growing land was to remain under the management of district officers, while the Conservator was to act generally as adviser and controller on fuel questions. He was to sanction all general measures connected with fuel or its conservancy, and to be kept informed of all action in such matters by monthly abstracts of correspondence from each district, while special tracts were to be selected and specially reserved for fuel. The 300 acres of land were duly transferred, but notwithstanding that within a fortnight Government reiterated the opinion that further measures were necessary in regard to the systematic management of *rukhs* and planting for fuel (under the charge of Civil Officers), two years afterwards, we find the Conservator stating officially that *none* of the other measures, mild as they were, had been carried out, nor is there any reason to suppose that they have been so since. This may perhaps serve to illustrate how seriously the minor Executive of a province like the Punjab, if determinedly recalcitrant, may impede the action of Government.

Before the end of the year, various demi-official communications appear to have passed with regard to a large and comprehensive scheme for raising fuel artificially. In



consequence of these, early in 1865, Dr. Stewart addressed to the Financial Commissioner, then Colonel Lake, an exposition of his views as to the principles which should be followed in selecting the land for fuel plantations for the whole line from Moultan to Delhi, (the Ganges Doab portion excepted), and as to the area necessary. On the latter point, the certainty that the actual consumption of fuel by the Railway was greater than had formerly been estimated, and a conviction of the growing wants of the country generally as to fuel, of the uncertainty of the processes to be followed, and comparatively of the estimates regarding the rate of growth of trees, appear to have become so strong in his mind, that he now recommended no less than 50 acres per mile of line to be taken up for plantation, not to be all operated upon at once, but to be planted gradually; and the rest of the land to be ready in case of need, as a very few years would suffice to determine what area per mile would actually be necessary.

This communication was followed within a few weeks by two others, on the method to be adopted in stocking the land with trees, and the probable expense of establishment and working. The reasoning on these was necessarily more hypothetical than on the former points, if only from the facts of the unprecedented extent of the scheme, and the very varied conditions under which it would have to be carried out. The importance of some such scheme being speedily put in practice, was strongly urged. And it was urged as strongly that if any attempt were made to operate on more than say one-fourth of the whole area in a single year, failure would be almost certain to result from the want of previous experience in dealing with plantations of more than a few acres.

About this time Major Warrand, whose views appear to have undergone a change, reported that although on the western part of the line dependence might, to a great extent, be placed upon the canal plantations, yet that a very large amount of fuel might be cheaply got from the Siwaliks up to the Sutlej at least.

In February, Major Elphinstone put before the Lieutenant-Governor an amplification of his scheme of July 1864, modified in certain important respects. He now showed that his reason for lessening the plantation area for the Jullundur Doab from 2,500 to 1,000 acres, was the belief that large supplies of fuel could be continuously obtained from trees in village lands, and from the one Government *rukḥ* and the one thousand acres of Kapoorthulla *dhak* jungle. The chief details of his present scheme will be noted hereafter.

In March, the Government of the Punjab directed that the Baree Doab Canal plantations should be extended to furnish a supply of fuel for the western part of the line; that arrangements should be completed for leasing to the Railway Company from the Puttiala Rajah, land between Umballa and Loodiana, for the formation of plantations by Railway officers for the supply of the central portion; and that Forest Officers should manage the fuel of the Siwaliks and plant trees in Government land in the Jullundur district.

We may note here that although the Baree Doab Canal plantations have continued to be extended as rapidly as the means of European supervision would warrant, the arrangements for the Railway Company to get land in Puttiala, notwithstanding the efforts of the Consulting Engineer, and Railway and Civil Officers, broke down completely. And on the urgent representation of Dr. Stewart that the fuel of the Siwaliks was not of sufficient amount to be of continuous value to the Railway, and that even if it were, the Forest Department had not in the mean time any means of properly supervising it, the order concerning the Siwaliks was rescinded.

Dr. Stewart in June submitted a report on the plantations of the Baree Doab Canal, great part of which he had inspected with especial reference to the fuel supply derivable from them. The general conclusion arrived at, which alone need be noted here, was that with a larger expenditure on supervision, these plantations might be extended more rapidly, so as in a few years to provide, at a not exorbitant rate, a supply of fuel for the portion of the line extending from the Bias to 60 miles south of Lahore. The result as to cost of fuel was to some extent dependent on the realization of certain expectations, with reference to cheaper carriage by boat *on* the canal itself.

In August, the Financial Commissioner cut down Dr. Stewart's estimate of the area of land to be taken up for plantations to be formed by Government officers, on the grounds of the existence of a large natural supply in the southern Punjab, and the expected formation of plantations by Railway officers for\* part of the line east of the Sutlej. But plantations on a considerable scale *were* to be commenced, and 40,000 rupees were applied for to meet the expenditure on them.

Two months thereafter, the Government of India, on sanctioning the above scheme, addressed the Secretary of State for India on the importance of the question of fuel supply in the Punjab, reviewing all the sources of wood-fuel present and prospective, and discussing the relative chances

of coal and wood-fuel for the Punjab line. On the last question, the following were the chief data adduced :—The average price then paid for wood-fuel near the line being 4 maunds per rupee, or 4 annas per maund (the highest price being 5 annas), and the price of Bengal coal, equal for furnace purposes to three times its weight of wood, being 3 annas per maund at the pit's mouth, leaves 9 annas for the carriage of a maund of coal to the place of consumption. And by rail, the carriage of coal costs one-fifth of a pie per maund per mile, so that the Bengal coal could be carried 540 miles by rail, and compete with wood-fuel on the spot costing as above.

But the Nerbudda mines in Central India are 700, and those of Kurharbali in Bengal are 775, miles from Ghazeabad, the nearest point on the Delhi line, so that the price of wood-fuel in the Central Punjab must rise so much as to press seriously on the comfort of the neighbouring population, before coal from the eastward can profitably displace it. Following the lead, and adopting most of the figures of Major Warrand already given, the Government of India stated that it would be cheaper to grow fuel on the dearest land close to the line, than on rent-free land eight miles off. But as we have seen, the reasoning is fallacious, owing to four and a half times the probable produce per acre being assumed as certain to be got.

In the beginning of 1866, a Committee assembled at Lahore to consider the question, as to how best to deal with the fuel preserves of that district. In their report they exhibited a somewhat different appreciation of the state of matters from that of the Committee, which met at the same place for the same purpose just three years before. Some of the calculations given are incorrect, and the question of planting for fuel was unnecessarily mixed up with its conservancy, but on the whole the Committee appears to have fully understood in what direction reform should move in connection with the latter. Indeed, the mere language of the report would seem to over-estimate the importance of the subject. The gist of the recommendations of the Committee was as follows :—Fifteen *rukhs* aggregating 40,000 acres, *i. e.*, equal to only one-fifth of the whole *rukhs* land in the hands of Government in Lahore, and to only one thirty-fifth part of the whole grazing area of the district, should be put under the strictest conservancy. The establishment in these should be raised till each ranger have no more than one thousand acres on an average (instead of five or six thousand) to watch, and the establishment for the remainder of the *rukhs* should be increased by 60 per cent. There is no doubt that these measures would imply progress if carried out fairly.

A few weeks afterwards, the Secretary of State for India communicated approval of the Government of India having sanctioned the Punjab scheme for plantations along the line. It had been contended that the expenditure by the Railway on planting should be from capital, but it was here laid down that it must be from revenue. And the Railway Company were completely precluded from taking up any land for such plantations, although they ought (this looks almost like sarcasm) to utilize for this purpose all the available land within their bounds. Within a fortnight, the Secretary of State again addressed the Government of India on the same subject. Its great importance was acknowledged, and the necessity for directing the utmost care to it, and stress was laid on the fuel wants of the people as well as of the Railway. Past action was approved of, and due credit given for the watchfulness of the Forest and Revenue officers, and it was stated that the Secretary of State felt no doubt but the Viceroy and Governors would give to the Forest Department the utmost possible support as to means and establishments for carrying out feasible schemes when brought forward, and that he would gladly sanction the outlay necessary for any well-considered plan to this end of assuring a supply of fuel for both the people and the Railway.

In April, Colonel Elphinstone had become Agent of the Railway, when the urgency of the fuel question pressed itself upon him, and he accordingly submitted to Government, and circulated widely among officers connected with or likely to be interested in the question, a comprehensive scheme for forming fuel plantations for the whole line from Delhi to Moultan, by the agency of Railway officers, a large part of the expenditure being debited to capital. The existence of any considerable stock of natural fuel was ignored, and Government had pressed upon it the necessity for at once planting 30 acres per mile for the whole line, as well as for 56 miles from Moultan to Bhawulpore, where as yet a Railway is not even projected. The details of this scheme we shall allude to more particularly by and by. In a subsequent communication, in which certain criticisms of the Consulting Engineer are replied to, Colonel Elphinstone adhered to his original proposal, and deprecated any such scheme being undertaken (as had been proposed) by the Forest Department, with something like a sneer at "desultory forest operations with most inadequate funds, and "under no uniform control."

Meanwhile, the possibility of these fuel plantations being carried out by Railway officers, had been precluded by the orders of the Secretary of State already alluded to, and eventually

Government, while thanking Colonel Elphinstone for the energy and skill with which he had ventilated this question, were compelled to decline his proposal. And it seemed tolerably evident from past general experience, and from the results of certain special trials, that 40,000 Rs. assigned to be spent in one year by six or seven district officers already over-worked, and for the most part with no special knowledge of or aptitude for the work, would simply be so much money thrown away, great part of it going to line the pockets of *darogahs*, *jemadars* and *malis*, in whose hands the matter would virtually be. Accordingly, Dr. Stewart, fortified by the experience already acquired in the experimental plantations commenced in the preceding year, had consented with the executive aid of two officers put at his disposal for this purpose, to supervise the carrying-out of the scheme he had a year before submitted to Government.

In the interval also, Dr. Henderson had propounded a scheme, by which it was hoped that a sufficient stock of fuel might be raised for the whole line from Delhi to Moultan by Zemindars, at a much smaller direct cost to Government than if the work were undertaken by its own officers. The chief points in this plan were these :—The Zemindars in the various Railway districts to be induced to plant by receiving for each acre under young trees within a certain distance of the line within a year, full remission of land-rent of that and an additional acre. This remission to continue for four years, the trees continuing to be well looked after. The trees to be the property of those who had planted them, but to be thinned periodically, and finally felled according to rules to be laid down by Government. Various alternative modifications of some of the details of this plan need not be entered on here. Its chief defects are, that in order to thoroughly check the carrying out of the conditions by hundreds or thousands of Zemindars, over such an extensive range, a very considerable and expensive establishment would have to be kept up; while at the end of the time fixed, even were the plan quite successful, Government would have paid at least six or eight rupees per acre on an average, for the raising of trees in which it would have no proprietary right.

This plan, which certainly deserved a trial on a moderate scale, proved much too tempting for the Punjab Government. In an order issued in May, it was remarked that there was no reason to suppose that the Agent of the Punjab Railway had over-estimated either the importance of the question or the area that must be planted, and he was duly thanked for his proposal which had prompted Government action in this matter. It was directed that the Conservator's scheme should be supplemented

by a trial on the large scale of the *Zemindaree* project, for which 20,000 Rs. would be allotted. The various objections to taking up cultivated land for plantations, when such a course could be avoided, were insisted on, and it was wisely directed that as the fuel would only be felled for use from year to year, only a portion of the whole area (even were land readily available at once) should be operated upon in each season. From the tenor of Colonel Elphinstone's proposal it seems doubtful if this caution would have been kept in view.

In July, a plan was proposed by Mr. E. Palmer for raising trees by the agency of Zemindars along the canal spoil-banks, the area of which, still bare of trees, amounts to many hundreds of acres. The Zemindar was to be allowed for growing cotton a certain area of the bank free, and water free if it were raised, or at a very low rate if it were delivered "by flow." Half the area was to be stocked with young *sissoo* trees at twelve feet apart by the labour of the lessee, *that* half to be taken back at the gathering of the second cotton crop, and as much new land given to the Zemindar, by whom as much more would be stocked with trees, and so on. The manifest advantages of this scheme are, that from the tail of the canal (though not of the *rajbahas*) a good deal of surplus water is pretty constantly escaping, which might thus be utilized, while, apart from some such plan, the spoil-banks will be quite unproductive, until the Canal arboricultural operations can reach them. The disadvantages are, that any water other than surplus allowed to such land, would be so much expenditure of Canal funds, and that, even here, if the attempt were made on a considerable scale, a good deal of special supervision would be necessary to ensure the provisions of the agreement being carried out.

The Superintending Engineer was not at all sanguine about the success of the above scheme, and proposed that portions of the spoil-banks should be given to the Zemindars on easy terms, to clear and cultivate for two years, with a view to their being afterwards planted with trees by Canal officers. Both these plans have good points, and it may be hoped that both will ere long get a fair trial.

But little had for some time been written as to the natural fuel-supply, beyond discussions as to the rates of seigniorage, which were eventually raised. In July, Dr. Stewart submitted a bulky report upon the stock of natural fuel for Railway and Steamer in the Southern Punjab. We have elsewhere in this article excerpted largely from this report, and need not delay long with it here. The tracts treated of comprise those furnishing fuel for the whole of the river-lengths in the

Punjab, on which steamers regularly ply, and a considerable proportion of the former had been visited previous to the preparation of the report. The rivers with which we have here to do are the Indus Proper from Kalabagh to Mittunkot (plied on by only the limited Government flotilla)—the Chenab (Trimab) from Moulton to its junction with the Sutlej, the Panjnad from that point to Mittunkot, and the United Indus from the latter to the Sind border, amounting to 150 miles in all. The general conclusion arrived at by Dr. Stewart is, that the area of natural fuel is being rapidly cleared and encroached upon, and will only be at all likely to meet the demand continuously, if it is managed with some attention to conservancy proper, which has hitherto been wanting. While the Superintendents of Government and private flotillas long for a change in the system, some of the district officers are far from satisfied with the present one. And the appointment of a European officer was proposed to the charge of all the fuel-bearing tracts of the Southern Punjab, with a fitting establishment to manage the whole upon definite principles.

About this time the Government of India, in remarking upon Colonel Elphinstone's project, approved of the scheme which the Punjab Government had authorized being carried out under the technical management of the Conservator, and sanctioned the expenditure of an additional sum of 20,000 rupees which had been asked for. It was fully allowed that the question was important and urgent in the interests of the country and of the people generally, but Government considered that it was not of *vital* moment to the Railway, which could be worked remuneratively by Bengal coal from the East, or by English coal from Kurrachee. And in any case, more full enquiry would be necessary before sanction could be given to the exceptional course of a Railway Company undertaking large planting operations. It was laid down that the Forest Department must supply the agency by which the scheme should be carried out; that no cultivated land ought to be taken up for plantations, "if it can be avoided;" and that *reh* or *kallar* land must be used for this purpose wherever possible.

This last ruling deserves a few words of explanation. *Kallar* is a term sometimes used in the Punjab for lands barren from other causes, but is generally applied to those containing much potash salts, often to such an extent as to render them quite sterile. Such lands cover extensive areas in parts of the province, as well as in the N. W. P. (where the word *reh* is mostly used). And so far back as May 1861, Captain (now Colonel) T. Glover had proposed the extensive sowing of these

salt-impregnated lands with *kikkar*, in order to meet the increasing demand for Railway fuel, and to improve the climate, &c. But it does not appear that, till recently, any extensive experiment of this kind had been made. It is now known, however, from the results of experience in the fuel plantations and elsewhere, that when the land contains much *kallar*, it will not, as a rule, even with irrigation, grow trees well, any more than it will cereal or other crops.

If such land could be utilized for plantations, it would doubtless be a great boon to the country, yet it seems to us that it were a needless risk, and probably a waste of public money, besides seriously delaying the success of the whole scheme, to attempt on the large scale to raise trees for fuel on *kallar* land. If trees could be grown with anything like equal certainty on soil impregnated with these salts, the case would be different. But the question "is it necessary to raise fuel artificially for Railways?" being now almost unanimously answered in the affirmative, it is contended that the cheapest course in the end will be to employ for the purpose the best land under the best conditions that can be got.

A month later, the measures suggested by the Lahore Rukh Committee of January again came under discussion. The Conservator recommended that these should be carried out; that each of the reserved *rukhs* should be demarked by pillars and a trench; that the establishment over all should be increased in numbers on a graduated scale of pay, have distinct tracts assigned to each, and be guided by definite rules; and that in order fully to test the question of strict conservancy *versus* the past system, a part at least of the 40,000 acres should be for a time completely closed, afterwards to be gradually opened to grazing, and to that alone, and all lopping, breaking, and unauthorized collection of dead wood to be punished. It was stated that complete closure need only be temporary in most cases, that even during its continuance, the loss in money (10,000 Rs. per annum for grazing dues, *minus* the price of grass cut), would be more than repaid by the increase of fuel on the ground, and the experience gained. The Punjab Government then authorized the carrying out of all the measures recommended by the Committee, thus sanctioning the first decided step as to the thorough conservancy of fuel in the Punjab. Certain details were, however, first to be settled, which has not yet been accomplished.

The last document of 1866, was a despatch from the Secretary of State, who remarked that the question of fuel in the Punjab was one of the utmost importance, trusted that it would continue to engage the unremitting attention of His Excellency the



Viceroy and of Forest and Revenue Officers, and directed that fuel plantations should at once be formed near the line from Delhi westward, and that some such scheme as that of Colonel Elphinstone should be carried out by Government officers.

In March 1867, the Government of India, in forwarding the above despatch, called for a statement of the results of all the efforts recently made for the growth of Railway fuel in the province, and remarked that "it is needful that this important matter be not only kept steadily in view, but pressed forward under due report and sanction as fast as the scheme of operations can be matured." All this is very satisfactory, and shows that both the Supreme and Home Governments have now fully appreciated the urgency of the case and the need for decided action.

In the same month, Colonel Drummond, the Consulting Engineer and the Agent of the Railway, submitted details bearing on the question of the cost of fuel, and controverting the views of the Government of India given above. Colonel Drummond stated that under the present rate, by contract lasting till July 1869, wood-fuel for the Punjab Railway costs rupees 22 per hundred maunds, or three and half annas per maund, that one maund is sufficient for a mile run, and that during 1866, 4,00,000 maunds had been consumed from Moultan to Umritsur.

Salt range coal from Pind Dodun Khan costs at Moultan rupees 100 per hundred maunds, and is not first-rate, (and we know from Mr. Oldham that the supply is likely to be *very* limited.) Sea-borne coal costs on the Sind Railway Rs. 105, and would probably cost on the Punjab Railway Rs. 140 per hundred maunds.

The Agent stated that the working expenses of carrying coal are nearly one-sixth of a pie per maund per mile, and rolling stock for this is useless for other traffic. The East India Railway generally charge one-third of a pie per maund per mile, and could not be asked to carry coal at less than the one-fourth of a pie they are willing to charge. The carriage alone to Ghazeabad would thus cost Rs. 34 per ton, which with Rs. 5, the price at the pit's mouth, and Rs. 6 for wastage, expense of loading &c., brings the price at Ghazeabad to Rs. 45 per ton, or about Rs. 160 per hundred maunds. On the Delhi Railway the average rate for wood-fuel is Rs. 30 per hundred maunds (the contract for several years has, we understand, been taken for two rupees and a half more than this), so that one maund of coal being equal to three of wood-fuel, the latter must rise to Rs. 53 per 100 maunds before coal can compete with it. But Colonel Drummond still thinks that allowing a

fair profit to the E. I. Railway on the carriage of coal to Ghazeabad, the latter should not cost more than Rs. 75 per hundred maunds, between Ghazeabad and Umritsur. In that case coal would cost four annas, while wood costs nine pie more per mile. And at these rates the saving on the 308 miles from Delhi to Umritsur, would at four trains a day be 42,175 per annum.

Having thus brought matters up nearly to date as to the general discussion on the fuel question, we must now turn back a little. For, in order to preserve to some extent the continuity of the narrative of the former, we have necessarily deferred the more detailed consideration of several important points. And we may here take up some of the evidence as to the way in which the fuel preserves and jungles generally in various parts of the province have hitherto been managed, with the results. We shall for the most part quote from official statements of tolerably recent date, and to illustrate this part of our subject, we need not be restricted to Railway districts, as examples may aptly be drawn from other parts, where there is a considerable local demand for fuel.

In the Northern Trans-Indus, the chief fuel-producing tract in the hands of Government is a plot of some hundreds of acres in Kohat, not far from Attock. Here certain rules appear to have been initiated some years ago, but to have been given up almost immediately. And more recently it has been stated that in order to avoid a political complication, it would be well not to enforce rules as to cutting fuel with the Afreedies whose border is close by, and who carry fuel thence to Peshawur, &c. And if they alone are exempted, it would lead to a difficulty with our own subjects. But the jungle was stated to be most valuable, to be rapidly becoming exhausted, and to be well deserving of preservation. So the somewhat mild remedy was proposed of giving black-mail to the Afreedie elders, in order to obtain their aid in conservancy, in what way is not very clear. Nothing was done, however; and within a few months it has been suggested that, as the Afreedies had been cowed by a recent military demonstration, perhaps the British Government might venture to impose rules!

In Huzara where there is said to be less than one per cent. of the whole area cultivated, there is no demarcation of Government land, and no dues for grazing or fuel; and not very long ago, the district officer complained that the establishment was utterly insufficient to prevent the wholesale or surreptitious removal of even timber; so we may conceive what it must be with fuel in the parts whence supplies are drawn. With all this, the

Commissioner of the Division in 1866, stated that the present rules have worked well, and that the whole management of such matters should rest with the Deputy Commissioner; while an officer of the P. W. Department who had been in the district for years, enlarging on the abuses by Establishment, and the wholesale destruction going on, stated that it was "too much" to expect that a Deputy Commissioner could properly look after "these forests."

In the neighbouring district of Rawul Pindee, things appear to have been in almost as bad a condition as in the northern hilly parts, where only a little more than one per cent. of the area is cultivated. Orders had been issued that during settlement (recently completed), all Government land in the district should be demarcated, but for some reason or other, this tract had been specially excluded from such demarcation. And two years ago, the Commissioner reported that the head-men of villages had never rendered co-operation in taking care of the forests in return for the black-mail (in the shape of a share of seigniorage) paid them, and that by their neglect and the misconduct of establishments, there had been much loss and injury to Government. This was corroborated by the P. W. Department Secretary, from partial observation of the Lieutenant-Governor himself near Murree, and he stated that "it cannot be expected that district officers can properly supervise forest conservancy on so large a scale." And a P. W. Department officer on duty in the western part of the district, reported that there much destruction of fuel with burning of the stumps was going on. The remedy proposed by Civil Officers was, that the share of seigniorage should go, not to all, but to certain selected head-men,—a measure to our minds only less futile than the former, until the instincts of natives as to the need for, and the proper method of conserving, fuel are completely altered.

The state of things in the Jullunder Division may be exemplified by the circumstance, that the *sal* forest of Andreta, one of the two or three plots of this valuable tree which exist west of the Sutlej, was by the district officer put in the list of third class forests, *i.e.*, among those "whose products are valuable for neither local use nor export!" And the Commissioner had "no doubt, but there were other similar serious mistakes."

The general management of the *rukhs* and fuel-land in the various districts through which the Railway line passes, has been of the most varied character. In Umritsur these are managed direct; in Lahore they have sometimes been managed thus, and sometimes by farming them out, and at present part of these are understood to be managed in either way. In Montgomery

and Moulton, the system would appear to have been sometimes of one and sometimes of the other kind.

The system of selling the fuel also appears to have varied greatly. In such matters it is a very salutary rule that no fuel lease of a certain tract should run for more than a year as a maximum. But this rule has not been always attended to, the most illustrative case of its infraction being one which occurred in Ferozepore. In that district, in October 1857, a European contractor bought the standing timber of a certain *ruk* at an easy price, with two years to remove it. At the end of that time he was reported to have cut a portion of the fuel in that as well as in another *ruk*, the latter being the one he (against evidence, however,) now *said*, he originally asked for. He applied for two years' extension, which he got. On various pretexts he got fresh extensions in 1862, and in 1863 up to 1864, having thus for one payment got the usufruct of part of one *ruk*, and of the whole of another for seven years. The Conservator, to whom the case was referred, deprecated this method of managing Government property, but to no purpose; for in 1866 we find the irrepressible contractor had got "one year more" to remove his fuel! It need hardly be said that recent inspections have demonstrated the *ruks* in that district (in which Government has only a part interest) to be in as unconserved a state as they well could be, lopped, burned, and cleared surreptitiously, and the whole 20,000 acres, watched (?) by one man at seven rupees per mensem!

The chief losses of fuel are, doubtless, from pilfering by grass-cutters, herdsmen, &c., and by lopping for fodder, by fires, &c., but in granting fuel on the large scale for Railway and other purposes, there has not always been sufficient care taken to prevent loss to Government. This has generally resulted from the very uncertain methods of estimating and checking the quantity of fuel cut, or to be cut. And to illustrate the vagueness of estimates, we need not go back even to 1860, when we find a Revenue officer estimating the quantity of fuel in a certain *ruk* at 4,00,000 maunds, and soon afterwards giving the aggregate in it and *six others* as 1,50,000 maunds only! But to come to more recent times, in Moulton within a year or two, a contractor who had been cutting fuel for months in Government land by permission of the district officer, objected to the amount of his bill, and as it was found that there had been no check during cutting to test the quantity removed, his objection could not be met. In the same district, within a year or two, the Executive Engineer declined to pay for 3,00,000

maunds of fuel for brick-burning said to have been removed for him, and after some investigation the district officer had to be content with seigniorage for only one-third of that quantity.

Even in Lahore similar difficulties and disputes are not unknown. The practice had been to add one-fourth to the quantity for each *rukḥ* given in a list founded on data acquired many years before. The fuel in one of the larger *rukḥs* was to be made over to the Railway fuel Contractor, and the Conservator doubted the reliability of an estimate framed as above. A regular estimate was made by an officer from the Railway and another from the Revenue Department, which gave the quantity as nearly 6,00,000 maunds. When the *rukḥ* was nearly cleared, the contractor objected to the quantity for which he had paid seigniorage, so a fresh estimate was made, (the data having then become somewhat doubtful!) and the quantity reduced to about 3,50,000 maunds, and it was, we believe, ruled that the balance of the seigniorage should be returned.

The best illustration of such estimates, though not strictly speaking a revenue one, seems to deserve record. In 1865, the Deputy Commissioner of Jullunder, who had had charge of the district for some years, alluded to certain jungles of the Rajah of Kapoorthulla as having been well preserved for five years, and capable of yielding 10,000 maunds of fuel per annum. Within eighteen months, the same officer, then become Agent of the Railway, applied to the Financial Commissioner for aid in estimating the quantity of fuel in the said tract, which he wished to purchase for the Company as they must have fuel. A Railway officer had estimated the quantity of fuel at 96 lakhs of maunds, the area having now increased to over 10,000 acres, and the whole might be had for about two lakhs of rupees, which would have been a *very* good bargain indeed for the Railway. The Conservator deprecated any credence whatever being placed on such an estimate as an average of more than 900 maunds an acre over such a large area, which he denied to be possible in the plains of the Punjab. But unfortunately the bargain was concluded for Rs. 2,10,000, probably not less than five times the value of the whole at a fair seigniorage. And the Phugwara *rukḥ* now furnishes one of the best known episodes of the notorious Lahore Railway scandals.

On the large scale, and with native employé's prone to arithmetical error when money is concerned, and bribes are possible, it has generally been found unadvisable to charge seigniorage on fuel according to the number of cart or camel-loads taken away, which would otherwise be a tolerably correct, or at least

a fair method of settling the amount to be paid. And hitherto in large transactions, the quantity of standing fuel has generally been estimated in order to determine the amount of seigniorage payable; but the difficulties are almost insuperable. Any mere guess is, as may be supposed, worth nothing, and the only method of estimate even tolerably reliable, is to measure spaces of an acre or so in various typical parts, to weigh the fuel cut from these, and to estimate for the whole area. It is, however, exceedingly difficult to choose average portions for this purpose, and practically the best plan of disposing of fuel on a considerable scale to the Railway, P. W. D., &c., has been found to be, that the respective agents of the seller (Government) and the buyer, should each choose certain parts of equal sizes, the former taking the closest, and the latter the most sparse, in order to strike an average from the results of both.

But even this system requires that the fuel of a fair number of test plots should be weighed, and that a good deal of time and care should be bestowed on the process, and even these precautions have not always obviated all the difficulties surrounding such transactions. As we have seen, there have, in various districts, been many controversies as to the quantity of fuel to be paid for, after a part or the whole of it had been cut. To us the best means of doing away with such disputes appears to be the adoption of the system employed for Steamer fuel in Sind and the Southern Punjab. According to it, the whole of the wood is piled in stacks of certain dimensions, each of which is held to be equal to a certain weight of fuel determined by experience, (15 feet square and 3 feet high equivalent to one hundred maunds for the steamers). There are difficulties attending on even this method, but it has at least the merit of being definite and capable of being carried out, and, on the whole, it works well when fairly supervised. But for many months, the Conservator has been urging the importance of adopting it in the fuel transactions of Government *rukhs*, and without effect. The only reasonable objection put forward is, that with the (practically) unsupervised district establishments, it would be difficult to prevent the surreptitious removal of the felled fuel. One reason more, apparently, why this matter of fuel, if it be worth attending to properly, should be transferred to the charge of some agency having time and means to do it justice.

The reports of Dr. Stewart on the fuel supply of the province, teem with illustrations of the inefficacy of the manner, we can hardly call it method, in which most of the *rukhs* have been dealt with in the past. The first necessity of all is demarcation,

as without it neither encroachment, illicit grazing, nor trespass can be effectually checked. But in some districts, what is called a *rukhs* consists, in many cases, of several small, undefined bits scattered among village lands. And we find a *tehsildar* who had been engaged in defining these, reported by the district officer as having quite disregarded and neglected his instructions. In only a few cases is it found that demarcation pillars have been carefully put up, and in still fewer had they been kept up, their absence being apt to be ascribed to the effect of "last rains."

Besides pillars, Dr. Stewart contends that in the case of all *rukhs* for strict preservation, there should be some continuous boundary mark; but in only one district of the province has aught of this kind been attempted. Tolerably correct maps even on the small scale are frequently unknown. The establishments as a rule are very insufficient for purposes of protection, and unprovided with any definite instructions as to their duties in connection with conservancy of fuel in the *rukhs*. And cases are mentioned where the limits of *rukhs* on the spot were not known to *lumbardars*, *putwaries*, or fuel *chuprassies*; and one *darogah* is mentioned who did not even recognize one of the more important trees in his beat. We are told also of a selected *lumbardar* who had no very definite notions as to what the nature of the *hifazat* (protection) might be he was to exercise over the *rukhs* nominally in his charge; nor were these rendered more clear by the circumstance that he believed he was to get five per cent. on all ground broken up for cultivation!

In the Southern Punjab, things seem to be worse than elsewhere. There, much of the fuel is wasted in cutting it for steamers, there is often no system as to the parts whence it is to be felled, and there seems reason to believe that much of the seigniorage never reaches Government. Indeed, we find the Commissioner of Multan Division reporting in 1862, that the dues were irregularly collected. There seems, in most parts, to be little or no check on the wasteful habits of the people as to fuel, and having the whole country at command, they are not likely to learn economy in wood, until it is forced upon them by restrictions and rules. They lop and cut several of the kinds of trees in the most lavish way, for fuel, fences, and feeding their goats, &c. Dr. Stewart describes his passing through miles of stunted deformed *jhand* trees, denuded of every branch and cut down to mere stumps, and he mentions tracts which are almost impassable from the immense number of hanging branches, which have been cut over

in order to allow camels to browse on them. Even when lopping is not expressly allowed, the removal of *dead* branches is tacitly permitted, and these are not difficult to manufacture.

In many parts of the Punjab *rukhs*, the marks of burning are constant and extensive, and there appears to be no special power exercised to stop this, which is one of the chief abuses that conservancy in India has to meet, whether in hills or plains. The fires, no doubt, occur accidentally at times, but much more frequently are raised wholesale with the object of burning down the old, in order to let up the new grass, and nothing but severe penalties will ever teach the people that this is *not* to be done in Government land. Even in the Sind forests, where a fairly good system as to protection has been in progress for many years, forest fires are said not yet to have been so completely checked as they ought to be.

In the Punjab, there is only too much reason to fear that in many places, especially where there has been no efficient demarcation, there has been no adequate check against illicit cultivation along the borders of, or within, the *rukhs*. In some districts where land is not very much valued, the tendency to reclaim land, aggravated by the nature of our revenue system, and the difficulty of check, renders the people somewhat unscrupulous as to their right so to break up land. Thus, in Goojranwala, in 1858, it was reported that the Zemindars generally encroached when allowed to cultivate in Government land. And even in Lahore in 1866, Mr. Aitchison, the Deputy Commissioner, reported that he had seldom had to enquire as to rights of cultivation in a *rukhs*, without finding that the cultivated area had been surreptitiously increased.

We may here note that mere increase of cultivated land is not necessarily a proof of the progress of a given tract as to agriculture. Dr. Stewart remarks that in certain parts where land was abundant, and where, through want of demarcation &c., there was no very efficient check on the cultivation within Government boundaries, the practice of agriculture appeared to him much more slovenly than in other parts of the province. And it certainly appears probable that the tendency to encourage increase of cultivated area, irrespective of local conditions, has in many parts of the Punjab been carried rather too far. It would seem that there is some deleterious cause at work as to agricultural produce; for, although population is increasing, cultivated area being augmented more than proportionately, and the price of many articles of produce has risen greatly within a few years, from greater facilities of communication, &c.; yet, in several of the districts where settlements have been effected



or revised of late years, the land revenue in the aggregate is lower instead of higher than before, when increased area of cultivation is taken into account. In the face of a necessarily increased expenditure by Government, this is hardly a satisfactory state of things.

The importance of retaining what lands are in Government hands, has not by any means been fully appreciated in times past. A very considerable proportion of the *rukhs* lands in Umritsur, where they were already limited enough, with portions of those in Lahore and Goojranwala, have, within a few years, been alienated either as grants or at very inadequate rates. And as in many cases, there has been no special check on selection, the grantees have, for the most part, chosen the better parts of the best *rukhs*. Quite recently a plan was sanctioned by Government, for making over to a projected Agricultural Company, one hundred thousand acres of Government land, twenty-eight thousand acres being in Lahore. The land is to be given at Re. 1 per acre, and it was ordered that the projectors should get gratis *all* the wood on the land more than 15 miles from a Railway line, and that the fuel under 15 miles' distance should only be charged for if cleared. Such wholesale alienation on such easy terms seems hardly desirable in the interests of Government or of the country.

The latest instance of a want of caution in alienation is with reference to the tract of land close to the Railway station of Chunga Munga, 44 miles south from Lahore, already alluded to as peculiarly favourable for plantations. This is comprized in the 40,000 acres proposed for strict reserve by the Lahore Committee, and already 500 acres are under young trees. But even now, a discussion has for months been going on as to whether a thousand acres should not be alienated to a native. The latter is without doubt a very deserving man, and having offered to build a *sarai* at the Railway station, is desirous of some compensation for his philanthropy. As he is strongly supported by the Civil officers, it is just possible that Government may succumb to the pressure.

The following is perhaps a still more illustrative case of the characteristic Punjab weakness as to alienating Government fuel-growing land. At the settlement of the Lahore district, some years ago, the inhabitants of a certain village got a grazing privilege with a prohibition from interfering with the trees in 500 acres of a *rukhs* called Liddhur, in order to prevent disputes with the *rukhs* contractors, the villagers having no waste grazing land within their own bounds. During the progress of revision of settlement in 1866, it was found that they had cultivated

50 acres of the land, removing from it two hundred rupees worth of wood. The Deputy Commissioner and Commissioner recommended that the villagers should be charged, besides the price of the wood cleared, with the double assessment usual in such cases. But the officer who had made the settlement being consulted, (ignoring that the major includes the minor) stated that as there had been no positive prohibition of cultivation, they could not justly be punished for clearing and cultivating! And the Financial Commissioner, while with a grim sarcasm "recognising the importance of preserving the *rukḥ*-land " of the Lahore district!" ruled that the villagers should not be charged at primitive rates for the 50 acres, that half the 500 acres should be resumed absolutely by Government, and that the villagers get the remainder absolutely, being charged for the growing timber on it. And further, that this should apply to more than 9,000 acres of *rukḥ* land in the district in which villagers had a similar privilege of pasturage, the greater proportion of it, however, being fortunately situated Trans-Ravi, where there is less growing fuel in the *rukḥs*.

Such has been the nature of the system in the past, that we find a feeling of ownership springs up on apparently the most inadequate grounds. Mr. A. Brandreth, the Deputy Commissioner of Goojranwala, reported in 1864, that "the most important " point in these *rukḥs* is the strong feeling of prescriptive right " growing up, as the same graziers return to the same *rukḥ*, and " take its contract yearly. In a few years not one of them will be " ours." This is somewhat singular language for a district officer in a non-regulation province ruled by a reputed strong Government, but there seems no reason to doubt that it represents truly what in certain cases the system is apt to lead to.

The same tendency has been observable in other matters. Thus, in a certain *rukḥ* in Umritsur, where plantations were about to be undertaken by a Forest officer, he found that cuts for canal water had, without sanction from the district officer, been taken across part of it by Zemindars. As these would interfere with the passage of his irrigation-cuts, he naturally supposed that the Zemindars should at least pay for the over or under-cuts necessary at the crossings. But it was found that the Civil officers held strongly that as the Zemindars had priority of occupation, (without leave, in Government land!) the Government plantation should defray the necessary expense in connection with crossings!

We can hardly wonder that such a lenient system sprang up when a proportion at least of the Civil officers considered the *rukḥs*, a source of trouble to Government officers, rather than

an advantage to Government and the country. Some of these at one time even contended, that keeping up the *rukhs* was a source of expense, and exceedingly liable to abuse; but Mr. Cust showed that these results only accrued when there was a want of management and of due control. Again, it was asserted that any thing like strict reserve and conservancy would tend to cause dissatisfaction among the people. To which he replied that "this is scarcely a sufficient argument; if it was, would our revenue system bear the test?" When again it was strongly recommended that at least those *rukhs* near cities should be sold as being in demand, and likely to fetch high prices, the same officer pointed out that in such situations, preserves for fuel also were most needed, and reserve was there, for several reasons, of greatest importance. A struggle was even made to retain the old system of deducting pay of establishments, &c., from receipts, but as to this also Mr. Cust years ago laid down, that "deductions of pay from "proceeds is a most fertile and dangerous source of abuse."

These views will illustrate a bias which, perhaps, no longer exists. For, more recently, since greater attention has been directed to the fuel question, the importance of the Government *rukhs* has been more fully recognized, and more care has been directed to particularly the system of leases and the collection of dues. For instance, we find that in Goojranwala, where there are about 160,000 acres of *rukhs*-land, the annual collections on account of it, so late as even 4 years ago, only averaged about Rs. 11,000. But with increased attention, these, for the last 3 years, have averaged three times that amount. It may well be doubted whether conservancy of fuel has not suffered in some degree, especially when we note that "no applications "for wood-cutting in the *rukhs* have been received," the receipts for fuel being only about Rs. 200 and when we remember the large quantity, as above noted, of fuel which is brought to Lahore itself from that direction. And as protection of fuel is of chief interest not only to us, but to the country, mere increase of dues nominally for grazing in the *rukhs* is not altogether satisfactory.

There seems reason to suppose that the employés of the Civil Department in charge of *rukhs*, have found means of making the lenient system, in practice, remunerative to themselves. And guards from native regiments have found their own advantage in being put in charge, as has been the custom, of those supplying grass for troops. Thus in 1864, Mr. Browne, Superintendent of Wood and Grass Preserves, described such a *rukhs* in Umritsur district, where the fuel had been cleared

under sanction three years before; but there had been little or no increase since; there were no Revenue employés in charge; and the regimental *sowars* on guard were said not to have been relieved for nearly three years! A similar failure of increase of fuel had been observed in some of the Lahore *rukhs*, and Dr. Stewart has calculated that if the numerous grass-cutters are unchecked in the practice of daily removing a small quantity of sticks on the top of their load of grass, the total amount so removed will be sufficient to counterbalance the increase by growth over a very large area. In Trans-Indus again, in one case, the system was regularly organized, and the regimental fund benefited largely under sanction of the C. O., from the sale of fuel removed from the *rukhs* made over for grass to the horses of the corps.

And it would appear that many Civil officers do not yet see that there is any need for a change in the system. So late as 1866, a Commissioner issued a circular that, in Government land, the people were to get all dry wood and all under-wood which would not grow to *timber*, and that "cattle should not be "deprived of the use of the small branches of trees, which their "owners for years past had been in the habit of cutting off." Conservancy would seem impossible with such wholesale license, but it is stated that "the object of Government (to conserve "fuel) will be effected without irritating or annoying the people "at large."

In several cases again, Civil officers also, in 1866, objected to any of their *rukhs* being put under rules proposed under the Forest Act (VII. of 1865), because such time-honoured license of lopping and taking branches and brushwood would be interfered with. And one Civil officer even objected to certain Railway fuel plantations being put under the Act. There has also been evinced a tendency to exclude certain tracts or certain classes from payment of fuel dues, and even the Lieutenant Governor, in 1860, ordered that in the South, seigniorage should be levied only on the fuel from Government land which was cut for trade. In the face of the facts that Government is by no means flush of money, and that the people of the Punjab are being, as a rule, so easily dealt with as to land revenue, and are in most districts in very comfortable circumstances indeed, one fails to find a sufficient reason for making such exceptions.

It may seem to some that our remarks bear hardly on the past management of these *rukhs*. But official evidence, stronger than any thing we have written, is not wanting. So far back as 1858, we find Mr. Cust mentioning some of them as nearly denuded through total want of check, and then no longer worth

keeping. In 1862, the Deputy Commissioner of Goojrat reports that the district subordinates are quite inadequate for looking after the *rukhs*: "timber is felled and carried off, grass of "jungle-lands is largely misappropriated, and acres of young *sissoo* "seedlings on the new lands are destroyed by the depredations "of cattle, before the least intimation of what has occurred is "given to the *tehseel*." In 1863, the Commissioner of Moultan stated that, in that Division, much better fuel-arrangements were needed, and that no measures had as yet been taken to ensure reproduction. And in 1866, Mr. Aitchison reported that though in practice fines were imposed, yet there was reason to suppose that these were not legal (so much for the want of Forest Act Rules), and that the result was not satisfactory in checking even pilfering, of which there was much in every *rukhs*. And the Lahore Rukh Committee of January 1866, composed for the most part of Civil officers, reported that "at "present the conservancy is merely nominal," and that "hitherto there has been, so to speak, no real conservancy and "*rukhs*-management at all, as regards protection and reproduction of fuel."

Perhaps after the evidence now adduced, it is hardly necessary to discuss the question as to whether there should not be some radical change in the manner of administering the *rukhs* of the Punjab, including the transfer of those best deserving of care to the Forest Department. With those, if any such there still be, who assert that no strict system of conservancy is necessary, that these matters arrange themselves, &c., it would be useless to enter the lists of discussion. But a considerable class, chiefly consisting of Civil officers, contend that there is no need for a special agency to effect the end in view, and that it will be quite sufficient to have larger establishments under district officers. And no doubt, the increased zeal and intelligence of late displayed by many of the latter, in this matter, are so far praiseworthy and satisfactory. But the fact seems to be, that Punjab Deputy Commissioners and Assistant Commissioners, with far too much and too multifarious work for too few men, are already in many cases put to their last shift to find time even for work which they will always consider of much greater relative importance than this of fuel. And we all know something of the capabilities of a native establishment not under strict control. So that perhaps the chief result of largely increasing the fuel establishments, and of the imposition of more strict conservancy rules under the present system would be, to put additional instruments of oppression into the hands of subordinate native officials and

a *rukhs* 11.

With increased establishments already sanctioned, the revenue from *rukhs* has unquestionably been very largely augmented. But we must bear in mind, that this has in great measure resulted from a largely augmented demand, and great increase of the rates of seigniorage for fuel. And even were it not so, it requires no argument to prove that increased revenue from fuel does not imply better conservancy, nay, rather the reverse, as the case at present stands. With a proper system of conservancy calculated to ensure its chief end, *viz.*, the *permanence* of the supply of fuel, it is more than probable that for some time at least the revenue from the *rukhs* would diminish, while expense of establishments and supervision would be largely increased. But in a matter of such importance to great Public Works and the welfare of the people at large, a temporary pecuniary gain or loss is by no means the main thing to be looked to. Besides this, it may be noted that conservancy even of fuel, if not a specialty, will at least be all the better performed for a certain amount of special knowledge and experience, which it is vain to expect the average district officer to possess, and which is more likely to be found in those whose whole duties are connected with this kind of work. At this period of the world's history, it seems unnecessary to enlarge in illustration of one of the chief advantages of division of labour.

One of the objections which has been brought against the transfer of charge of these fuel-preserves to a special Department, may raise a smile. It has been gravely urged that such transfers would create an impression, that new sources of revenue had been opened up by the new Department. But to us it does not appear to matter much if such an impression did arise, and it would be easy enough to prevent it by explaining the exact state of affairs. Besides, such theoretical and minor considerations ought hardly to stand in the way of the initiation of a change for which there are such ample practical reasons.

In any case, it would appear advisable that some radical change should be made, when we find Dr. Stewart stating that he has no where in the plains of the Punjab seen a decently protected *rukhs*, and that the well-preserved state of certain jungles of the Ameer Ali Morad of Khairpore in Sind, whose object is not the general weal but merely the protection of his game, put to shame almost all past efforts by Government officers in the Punjab. And we are glad to see that recent orders by the Government of India render it likely, that some such transfer as we have

alluded to may, by and by, be accomplished; although as things are in the Punjab, the working out of details may be attended with much greater delay than if officials and people had not, by years of a marvellously lenient system, become impressed with the belief that the latter have all-embracing rights over Government land and its products.

We shall here enumerate the principal reforms which, it seems to us, will probably fall to be effected when such a transfer of *rukhs* is made. European supervision will of course be provided on an adequate scale. Subordinate native establishments should be largely augmented, as without sufficient establishments, no rules or system, however good, will be of any avail. In Lahore, there has hitherto been only one man to nearly 7,000 acres of *rukhs*, and in Goojranwala, the area for each man would appear to have been, till recently, even much larger than this. There ought not to be more than 1,200 or 1,500 acres, on an average, to each watcher; the proportion of watchers being higher when there is much fuel or greater demand for it, and lower when there is little besides grass.

The pay of the watchers was in some instances as low as Rs. 3 per mensem, which is a totally inadequate rate for even common honesty, not to mention intelligence. The minimum should in no case be under Rs. 5 per mensem, and perhaps a third of the men should have one rupee more, in order to provide a certain power of reward and punishment, according to deserts, short of transfer or dismissal. Each man should be furnished with a copy of a set of succinct rules as to his duties, which, if he could not read, he might at least have occasionally read to him, in order that there should be no excuse for ignorance as to what these duties are. Each should live within or on the edge of the *rukhs* or tract under his charge.

Every *rukhs* should be surveyed and thoroughly demarked, not only by pillars, but by a continuous boundary-mark, such as a shallow trench, as well as by a belt kept clear of jungle, in order to prevent the incursion of fires. Squatters and settlers inside the *rukhs* should, if possible, be removed outside or at least to the edge, fair terms as to compensation in land or money being given, if need be. All fancied "rights" of lopping, gathering dead branches, &c., should be stopped in reserved tracts. And rights of free grazing, &c., inside the *rukhs* should be restricted as much as possible, in order that, as occasion requires, reproduction of fuel may get a fair chance by the temporary total closure of certain tracts. There would seem to be no special hardship in this, as the greater proportion of the *rukhs* of a district would still be open: and in most cases

villages at settlement got four or five times as much area of waste as they had of cultivation.

The rates for grazing, and cutting fuel &c., should, as far as possible, be rendered uniform for all classes in continuous or adjoining tracts. Mr. Aitchison has very correctly remarked that with leases of *rukhs*, it is next to impossible to detect trespassers, and that as to non-conservancy of trees, the interests of the lessee and of the permit-holders coincide. And with better supervision and larger establishments, it might by and by be well that dues for all-grazing and fuel-cutting, even on the small scale, should be managed direct, as has for years been done in Sind; each permit-holder being in this case furnished with a ticket signed by the officer in charge, to be always producible on demand, and all great export routes for fuel being watched, and tickets inspected at certain points.

The rates for fuel ought to be considerably lower for the less valuable trees and shrubs, with the view of tending to diminish and eventually eliminate them, and thus giving the better sorts more free scope. The blocks for fuel-cutting should be apportioned of convenient size and manageable shape. This is already done in at least one district, but the arrangement is vitiated by the circumstance that the *purchaser* chooses the block to be cleared, which should never be the case if the system is to work fairly. Care should be exercised that the trees and shrubs are cut low, as high stumps generally lead to a waste of material. In parts of the Southern Punjab, this rule has been much neglected, even in cutting fuel on the large scale for steamers.

In regard to sales of fuel in large quantities, if an estimate for a considerable area can be framed before cutting, to which both parties agree, it may be acted upon. But it has been already seen how great are the difficulties in the way of effecting such an estimate; and we consider that short of actual weighing, piling the fuel in stacks of a fixed size is the only feasible, tolerably thorough method of determining the quantity to be paid for. It also gives rates for the wood-cutters, who have, under the past Punjab system, at times complained loudly, and not without reason, that they are at the mercy of the contractors, the fuel being weighed only at the Railway station. It would also at times afford some check for the Railway Company over contractors or other middlemen. And although Government is not bound to undertake the defence from fraud of either Railway Company or wood-cutter, still such defence may be welcomed as a concomitant advantage.

It may be hoped that rules for the Punjab forests and *rukhs* shall, by and by, after various delays, be made under the Forest



Act of 1865, which is only permissive. It has been proposed that these rules should be elastic, and leave a considerable margin to the discretion of the officers working them. But it would probably be infinitely better to have two sets of rules, one for the more strictly reserved, the other for the unreserved tracts of jungle. Even were it expedient, it would be impossible, with native establishments, to bring all the Government forests and jungles in the Punjab under strict reserve. Indeed, the chief error in past attempts at conservancy has consisted in trying to put in practice a rather strict system over immense tracts of country. It being impossible to carry this out permanently, the consequence has been that the stricter rules have gradually been allowed to lapse, except in special cases. As suggested by Mr. Aitchison, the one set of rules should merely give the power of dealing effectually with illicit cultivation, felling, lopping, fires, &c., while the other should be much more stringent, and apply to comparatively small tracts. The object to be kept in view should be, to attempt to work neither of these too rigorously at first. For in some cases, as in Sind at one time, an over-zealous officer has, by attacking indefeasible rights and permanently alienating the people, merely done in a few months, what it took years thoroughly to undo.

Some apologists declare that "the people have no such respect for law," as in Europe, which might lead them to give way to the working of any such system of strict fuel-conservancy as the public weal appears to demand; but we believe that with care and tact, even the more strict rules proposed will in time work well and easily. If we had given in to the wishes and proclivities of the people of India, we should never have checked so effectually, as we have done *Suttees*, the marauding and criminal pursuits of the tribes of certain tracts, and the habit of blood and village-feuds in certain others. And it seems hardly fitting that we should not attempt to deal with the much smaller matter of fuel conservancy. It will be evident, however, that if even only a considerable proportion of the reforms we have now indicated, are meant to be carried out, it will give them but a feeble chance of success, if their supervision is added to the multifarious duties of over-worked district officers.

Having now discussed the subject of the natural fuel-supply, we must turn back to take up more particularly, the question of raising trees artificially for fuel. The salutary change that has, within the last few years, taken place among Punjab officers, as to the need for such artificial raising of fuel, is very remarkable; only vague utterances as to this being found up to about

the beginning of 1863. But within the succeeding 18 months, the question began to assume larger proportions, and to be more correctly appreciated. Still there was a tendency, chiefly among Civil officers, to trust to existing sources such as the Siwaliks, and to *belas* to be planted by ordinary district agency.

In January 1864, however, we find the Deputy Commissioner of Jullunder already referred to, and well-known as a culturist, reporting that he had "come to the conclusion that the results of "the efforts now made in some districts are insufficient, and that "systematic energy and perseverance by one central *authority*, "could alone meet the requirements of the case." And soon afterwards, the system of growing trees for fuel by district officers on the large scale, was sufficiently tested in one Division, and found wanting. Public Works officers, on the other hand, were more inclined to push on Canal plantations and to trust to them; while Railway officers said, "we are the proper "persons, let us do the planting, and never mind if Zemindars "are somewhat incommoded by our operations." In the meantime, certain experimental plantations had been instituted by Dr. Stewart, and about the beginning of 1866, the stir about planting culminated, as we have seen, in consequence of the discussions and correspondence raised by a proposal of Colonel Elphinstone, that the Railway Company should plant in order to raise fuel on the large scale for themselves.

Before entering on the details of the scheme now in progress, which has been evolved from these manifold discussions, we shall note some of the salient points of the chief of the projects for planting which had previously been put forward, and to which we have as yet only alluded. The planting proposal of Mr. Edgeworth in 1851 was only a general one, and that of Mr. G. Thomson in 1861 was singularly at fault in some of the estimates, as might indeed have been expected from the few reliable data available at that time. Thus he only allowed 5 square yards to each tree, and  $5\frac{1}{2}$  acres of plantation to each mile of line; each acre was to cost only 39 rupees, but would yield 4,000 maunds of fuel to sell for Rs. 500. If results anything like these could be attained, *kikkar* and *tálí* would be the real pagoda trees. In 1863, Mr. T. Login gravely proposed that across all the Punjab Doabs, belts of trees, of 100 yards' breadth, should be planted at every 3 or 5 miles apart. These would not only supply fuel, but would so keep back the drifting sand and improve the climate, as to turn the desert into fertile plains. This scheme is much too vast for our criticism. About the same time, we find, from various quarters, recommendations of narrow belts of trees along the Railway line, or small clumps close to it at

every mile, but the objections to such plans soon become apparent, and they were for the most part speedily dropped.

The scheme of Major Warrand of December 1863, was not given in full detail as to cost, &c., and was in some respects based on insufficient data. He calculated that in 12 or 15 years, 1,200 poles per acre might be raised of 18 inches girth at 10 feet in height, and averaging 4 cubic feet, or 120 seers each. This would give 3,800 maunds per acre, so that 12 or 15 acres per mile would be equal to the ordinary traffic; and he proposed planting in narrow strips along the line to the extent of 20 acres per mile, so as to leave a margin for fuel for workshops, branch lines, &c. The proposal of Mr. Furnivall two months later, also estimated the necessary plantations at 20 acres per mile, though founded on different data as to the number of trees per acre, the product of fuel per tree, &c. It was estimated by him that 1,000 maunds of dry fuel could be got per acre at an expenditure, calculated from a scheme for 2,000 acres, of 141 rupees for each. This would give fuel at 14 rupees per 100 maunds, which would certainly be cheap enough. But some of the items of expense are manifestly under-estimated, *e. g.*, water-rent is put down at eight annas per acre, instead of probably five times that amount at least.

In Major Elphinstone's scheme of July 1864, for the Jullundur Doab, he laid down correctly that 60-acre plantations would be preferable to smaller ones; and stated that each well (no canal running through that Doab) would cost 250 rupees, and irrigate not more than 20 acres, (it being forgotten that each portion would require water for only 2 or 3 years,) which, with the estimated cost of bullocks and pay of drivers, &c., would raise the price of fuel very high.

In Dr. Stewart's fuel report of August, the chief points insisted on and founded upon actual measurements and weights were, that 200 trees per acre was the maximum to be allowed to stand for ten years, and that *likkar* and *sissoo* trees of that age would, under fair treatment, not give more than four maunds of dry fuel on an average; and accordingly he urged that at least 21 acres per mile of line should be planted. At that time he appears to have supposed, that growing *jhand* might be the best way of utilizing the intervals between the trees which would be left till the full period of rotation. But since then, there has been abundant evidence that raising the trees very close, whether broadcast or in lines, and thinning them out gradually as they become fit for burning, only the 200 per acre being left for the final clearance, will be the best for them.

Soon afterwards Major Warrand, reasoning from the practice in England, and apparently not allowing for differences of climate and purpose, insisted on 1,200 trees per acre being the proper number to grow, in order to get the maximum weight of fuel in a given time. He appears to have ignored the fact that in only one scheme (Major Elphinstone's) was it definitely proposed to plant originally no more than the number of trees per acre, which were to be allowed to reach the full period of rotation.

In Dr. Stewart's three letters written early in 1865, giving details as to a project for the whole line, the cost was underestimated, as is so frequently the case with Indian, and above all, Punjab schemes. This chiefly resulted from Dr. Henderson's experiments of 1862 at Shahpore having put the former with many other officers on the wrong scent, under the supposition that broad-cast sowing of *kikkar* would succeed under a very much wider range of conditions than has turned out to be the case. Experience, however, soon corrected this mistake.

In Major Elphinstone's amplified proposal for the Jullundur Doab of February 1865, he now very properly estimated that a well could probably irrigate, during a rotation of 12 years at least, four times the area to be watered in a single season; which at once lessens by 75 per cent. the cost of irrigation as formerly calculated. The total working expenditure in 12 years was to amount only to four rupees per acre, which is absurdly low for land irrigated by wells in the centre of a Doab. Each well was to occupy the middle of an hundred acre block, and 1,000 trees per acre were to be grown, being cleared off at three successive times, up to the full period. The only speciality insisted upon in this scheme was not a very vital one, *viz.*, that the trees should be planted in perfectly straight lines, at exactly equal distances. The production calculated upon and stated to be founded upon the actual weight (?) of trees of known (?) age, was positively enormous, 750 maunds per annum per acre being assumed. This is almost ten times the production calculated for by Dr. Stewart, which had been seriously doubted by men accustomed to deal with the statistics of fuel and timber in Europe. Were the data for this scheme complete and correct, it would appear that the Government could supply the Railway with standing fuel at the rate of 250 maunds of dry wood for a rupee!

In the scheme of April 1863, by the same officer, 19,000 acres were proposed to be planted out on a rotation of 20 years. The total estimated expenditure for the first ten years was nearly 13½ lakhs, and for the second ten years, about 14 lakhs.

In return for this it was calculated, that in the second ten years 500 trees per acre would be got, averaging two maunds of dry fuel. This gives a total production per annum per acre of 50 maunds, and at the above cost, the Railway would get the fuel on the line at about seven maunds per rupee. The truly startling differences as to the estimated results in cost and production, in two schemes proposed by the same gentleman within a few months, may serve to indicate what need there was for an experiment on the large scale in order to get at some reliable data.

As the canals have been so frequently alluded to in connection with the question of raising fuel, it may be well to give some details as to their capabilities in relation to its supply. The only existing canals which come near the lines of Railway, with which we have to do, are the Baree Doab, and the Western Jumna Canals. It is hardly necessary to do more than allude to the latter in this connection, as there is no considerable breadth of land taken up along it, on which trees might be planted; and for the most part only incidental patches suitable for this purpose occur. The case is different with the Baree Doab Canal, concerning the trees on which we find full details in reports by Canal officers, and in that by Dr. Stewart, formerly alluded to. Along the whole of this canal, there is a considerable breadth of land, from 50 to 100 feet on either side, on a large part of which trees may be grown.

It would appear that the area of the spoil-banks &c. along the canal, available for planting, was originally somewhat over 4,000 acres, of which nearly three-fourths were, in 1864, still unplanted. Up to 1st May 1864, the existing trees had cost about an average of three annas and two pie, exclusive of rent of land, price of water, cost of European supervision, and interest on outlay. Deducting from the whole number of planted out trees then alive, "line trees" (along roads, &c.,) and others not likely to come into use as fuel, the number actually available was 4,30,000. It is doubtful, if the canal could afford to sell these on the spot at less than 14 or 15 rupees per hundred maunds of dry fuel, if the above items are allowed for. It is calculated that 3,500 acres, or about the total area available for fuel along this canal, (with exception above noted,) would, on a ten years' rotation, give at the utmost 28,00,000 maunds of fuel, or about sufficient for the supply of 100 miles of line for that time, and that it might be laid down at something over the above rate on the line, if it could be carried on the canal as cheaply as is expected by a new system of carriage proposed by Mr. E. Palmer.

The objections to at once and speedily carrying out the planting of the whole of the remainder of the available land on the Baree Doab Canal are the following: 1,—The Government of India has repeatedly ruled that the direct management of these plantations must be under the Canal officers, as appears most reasonable. But no plan has as yet been sanctioned for an increase of European supervision, which is the chief necessity in completing quickly such a scheme. 2,—Much of the land still to be planted is not so suitable for the purpose as what has already been planted. And 3,—It seems probable that fuel for the Railway can be raised more economically than the trees on the Baree Doab Canal have heretofore been grown.

At the same time, as the land is unutilized otherwise, and surveillance over canal trees is good, it is an object of some moment that arboriculture on the Baree Doab Canal should not be stinted. Accordingly, 15,000 rupees has, for each of the last three years, been granted for extending plantations on it, and this appears to be quite as large a sum as can be spent effectively on these, with the present power of European supervision. And if planting operations are in future as successful as even those of the past, this sum annually ought to plant out the remaining area in ten years.

We now proceed to our concluding topic, *viz.*, a consideration of the more important details connected with Dr. Stewart's scheme for fuel plantations which is in progress, and concerning which most of our data are contained in a report of progress submitted by that officer to Government in February last. As has been already mentioned, Dr. Brandis, Inspector General of Forests, having, on a visit to the Punjab in November 1864, seen some of the fuel-*rûkhs*, and examined the results of investigations by Dr. Stewart and others, as to the rate of production in them, came to the conclusion that the natural supply of fuel was quite insufficient to meet the demand continuously and permanently. And, fully appreciating the advantage of plantations from their compactness and ease of management, he accordingly recommended that three plots of land of one hundred acres each, under various conditions as to soil and situation, &c., should be made over to the Conservator. And a proportionate budget grant was recommended, to enable the latter to carry out experiments on a scale sufficient to settle decisively various doubtful points as to the artificial growth of trees for fuel. This was carried out in 1865, and, in connection with the results of other researches, enabled a complete scheme to be put before Government.

It had been found by measurement and weighing, that a tree of *kikkar* or *sissoo*, (the two trees of easiest growth and best suited for fuel in the province), would, under tolerably favourable circumstances, attain a girth of about 30 inches in ten years; that a tree of that size would give about four maunds of dry fuel, and that the area necessary for healthy growth up to that size could not safely be estimated at less than 25 square yards, equal to fifteen feet between each pair of trees. And if these data are correct, 200 trees, yielding 800 maunds of dry fuel, might be grown on an acre in ten years.

For locomotive work on each mile of line, about 3,000 maunds of fuel would be necessary annually, and in order to allow for the supply for workshops and for possible errors on the wrong side, as to estimated rate of production, it was thought advisable to put down the area to be gradually planted for each mile at 50 acres, equal to an assumed yearly production of 4,000 maunds. The length of the Punjab and Delhi lines, from the terminus at Sher Shah on the Chenab, near Moultan, to Delhi, is about 550 miles. But of this, 120 miles lie within the Gangetic Doab in the North-West Provinces, with which the Punjab has nothing to do. This section, therefore, as well as the hypothetical line of 56 miles from Sher Shah to Bhawulpore, included in Colonel Elphinstone's calculations, were left out of account. For the 430 miles, 22,000 acres would at the above rate be sufficient, allowing some margin for the supply of the terminus at Delhi, which is within the Punjab.

We may here compare the data calculated by Dr. Stewart with those given for other schemes, nearly as they are put by Dr. Cleghorn, Officiating Inspector General of Forests, in a memo on the subject.

	<i>Acres per mile of line.</i>	<i>Annual production per acre in maunds.</i>
Major Warrand	... 13½ ...	... 270
Mr. Furnivall	... 20 ..	... 75 (?)
Col. Elphinstone (last scheme)	30 ...	... 75
Dr. Stewart	... 50 ...	... 80

As the last gives the data for his calculations, and the Governments, Local and Supreme, have on the whole accepted these, we also may perhaps safely do so, especially as his is the largest area estimated for each mile, and there seems ample reason why it is preferable to err in excess, if at all.

The next question to be settled was, what kind of land should be employed for the formation of these plantations? The Government had still a lingering preference for *reh* land, as if fairly good cultivable land were scarce in most parts of the

province. But there are two objections to the former being trusted to for plantations. Firstly, experience has fully shewn that earlier observers were lamentably mistaken in supposing that even *kikkar* could be grown certainly and in quantity in very saline soil. And, secondly, it needs not much argument to prove that if it is a necessity to grow trees for fuel, which all but the most stubborn Conservatives now concede, then it will in the end pay best to appropriate for the purpose, good land in as favourable conditions as possible, even if the first cost be greater, and some little pressure be occasionally exercised on surrounding cultivators.

Accordingly, it was laid down that, in the first instance, only plots of good soil, either capable of canal irrigation, or situated in the *sailaba* or *khadir* land (low alluvial with water generally near the surface) should be chosen. It would probably be at first starting most economical to trust entirely to the *sailaba*, but there are two grave objections to employing it alone. One is, that it is not easy to get, on moderate terms, plots of sufficient size, when there is a tolerable assurance that they shall not be eroded, or carried away by river action. And the other objection is that, on the whole, trees cannot as yet be grown with such certainty in unirrigated alluvial, as in irrigated places elsewhere.

It was also considered necessary to assume 15 miles and 30 miles as maximum distances from the line by land and water respectively, beyond which it would not be advisable to form large plantations. We have before alluded to the importance of distance, as an element in enhancing the cost of an article like fuel, bulky and heavy for its price. It may be accepted that the carriage of 100 maunds of fuel, 25 miles by road, will cost about ten rupees, an item of moment when we consider that even on the Delhi line, fuel is only costing the Railway 32 rupees per 100 maunds.

Almost all tree-planting in the Punjab, hitherto, having been undertaken for the formation of avenues, groves, &c., it had mostly been carried on by transplanting to their permanent site, trees which had been raised in nurseries. In Western countries also, it is found that transplanting several times, if carefully done, as it can be by European gardeners, is very beneficial to young trees. But with perfunctory native *malis*, the number of deaths, even at one transplanting, is generally enormous, and the expense proportionally increased; while from the conditions of growth in the Punjab climate, the ordinary trees can often be grown as well, when sown in their permanent site.

For these reasons chiefly, Dr. Stewart from the first contended that the latter was the preferable plan for raising trees for fuel



on the large scale. The mistake made was to attribute too much weight to the success which had attended Dr. Henderson's small experiments at Shahpore, in sowing *kikkar* broadcast. This led to the expenditure being at first under-estimated, to the incurring of considerable profitless expense, and to the loss of much the greater part of the sowings of 1865, in the experimental plantations. But the error was discovered, and a better method propounded before the commencement of operations in the large district-fuel plantations in the spring of 1866.

In 1865, the services of Mr. B. Browne, Superintendent of Wood and Grass Preserves, had been put at the disposal of the Conservator, to superintend experimental operations in two plots of canal-irrigated land of one hundred acres each, and a *sailaba* plot of fifty acres, all situated near Lahore, so as to be easily supervised. In the rains, great part of these had been sown, mostly broadcast and with *kikkar*, a small part in beds or with *sissoo*, the land in the former case being treated in several different ways as to clearing, stubbing up roots of jungle, &c., &c., in order to aid in testing certain doubtful points. As has been mentioned, although the young plans had come up fairly well in many places, yet most of those in broadcast died, and the permanent results as to the experiment were on the whole *nil*, or negative; but notwithstanding this, much valuable information had been gained, as to what conditions might be essential to success. It had, at all events, become evident that the broadcast system on the large scale must be abandoned.

Various circumstances had led to the conclusion, that sowing in well-dug trenches at 15 feet apart (the distance to be permanently assigned to the trees) might be the best system. Accordingly, in the cold weather of 1865-6, an additional area of 130 acres was taken up, and 60 acres in all were so trenched and sown. With European labourers, it would have been sufficient to engage that lines of the required breadth, one foot, should be thoroughly dug; but this would hardly do with native labour, on the large scale, unless at an inordinate expense for supervision. So, in order to ensure proper turning up of the soil along lines at fifteen feet apart, trenches of one foot in breadth and the same in depth were dug, and the earth which had been thrown out was, after inspection, returned lightly till flush with the soil. Ploughing four times for broadcast sowing had cost five and a half rupees per acre, and trenching thus was found to cost rather less at current rates.

By May 1866, when the plan for the entire scheme had been sanctioned, it was quite evident that with proper supervision, this trenching system would, as a rule, give infinitely

better results than broadcast sowings, and would cost very much less than the transplanting method. Another officer was appointed to aid in the work, and five more plots of several hundred acres each, were chosen in Hooshyarpore, Umritsur, Lahore, and Montgomery, fulfilling the required conditions. Of these, during the rains, more than 1,000 acres were trenched and sown, and during the cold weather of 1866-7, the area operated on was still further increased. In February 1867, an aggregate of eighteen hundred acres of land on, and to the westward of, the Bias, were reported as sown, of which an area of 1,250 acres was estimated as likely to be fairly covered with trees, at an actual cost (including the *whole* area) of 16 rupees per acre, exclusive of European supervision. A considerable part of the balance was likely to require re-sowing, but it is hardly to be wondered at that some portion of operations conducted by a single agency on such an unprecedented scale (for India at least) should at first be unsuccessful, before the conditions for success have become fully known.

In the spring of 1867, an additional area of about one thousand acres was sown, besides re-sowing the blank spaces. Since then, more than a thousand acres have been operated on, making a total area of about 4,000 acres in 12 different plantations, of which not less than 75 per cent. are fairly provided with young trees. For convenience of supervision, because the Railway was already completed, and was rapidly denuding of fuel parts of the country from Umritsur to Moultan, and because Government land was more easily available, operations have as yet been mostly confined to the tract west of the Bias. But the Railway from Umritsur eastward is in a forward state, and as we have seen, there is too much reason to fear that the stock of natural wood-fuel to be obtained then at moderate rates, is remarkably inadequate for the continuous and permanent supply of the line, so that considerable plantations must speedily be initiated in that tract also.

For a time the Government of India appear to have desired that land of inferior quality only should be taken up for these plantations; but we may repeat that if it is necessary to grow fuel at all, it will be worth while to employ good land for the purpose. And it were a pity, for an imaginary benefit, to risk the success of an important project such as this, by inflicting on it unfavourable conditions. From the almost total absence of Government land in the eastern districts (except Delhi), it will be necessary to take up land "for public purposes" under Act VI. of 1857. As yet only the thin end of the wedge has in this respect been got in, owing to the Government of India,

when prohibiting private land from being taken up, having left a margin—"unless where necessary;" but under the circumstances, this seems sufficient for the purpose. Hitherto, only two plots have thus been taken up, one of 200 and the other of 570 acres. The former is good *sailaba*, lying close to the line near Loodiana, and has cost upwards of 20 rupees an acre. A still higher rate is asked for land in Umballa, between Jugadree and the Jumna.

These high rates have brought up a new subject for consideration, in connection with the plantations. The choice lying between canal-irrigated land, or *sailaba* which does not require irrigation, and high and dry land towards the centre of the Doabs which has to be irrigated by wells, it becomes a question whether in the long run it will not be in some cases cheaper to take up the latter in preference. The expense of digging wells and irrigating from them will be enormous; but again in many instances land suitable for that purpose can be got at a very much cheaper rate. The data as to how much land under young trees can be effectually watered from one well, in successive periods of, say, two or three years, are still insufficient. But fortunately, there is in the hands of Government at Phillour a plot of land with wells, (in deserted cantonments) which is now being operated on, and where the problem can be worked out at no great extra expense.

A less pressing question to be determined is, whether it will pay to irrigate trees for fuel up to the period of felling. Continuous canal-irrigation for ten years would cost at least twenty-five rupees per acre, but it is expected that if the rates for land are not very high, an acre of *kikkar* or *sissoo* for fuel can be grown in ten years, for not very much more than this sum. Thus it would only be remunerative to irrigate the trees continuously, if nearly double the quantity of wood per acre can, by this means, be raised in a given time. And although a continental *savant* is stated to have lately shewn that the weight of wood grown in a given time in Europe, is increased much more than in this proportion by constant irrigation, there is great reason to doubt if, in the Punjab, the production can even be doubled. Two or three years' experiment on special plots will, however, go far to settle this point finally.

Outsiders have repeatedly drawn attention to the fact that, on the present system of these plantations, the land between the trenches remains unutilized (except for grass, which in some localities can be sold for a considerable sum). To this it is replied that the problem to solve is, how to grow trees on the large scale, economically and efficiently, and that it seems better

in the early stage not to complicate the question by any extensive attempt to utilize the spaces. But experimental measures are stated to be in progress, in order to determine the best means of settling the latter point also.

Dr. Stewart, in the report alluded to, enumerated some of the disadvantages under which the scheme had so far been carried on. Thus, although he had very judiciously stipulated, that as to selection of land and the technical details of management, his authority should be paramount, yet, as it was decided at the commencement that the disbursement of the money should be effected through district officers, there had at times occurred a certain amount of delay or even clashing. Another cause of delay arose from the difficulty of getting the sanctions for expenditure in good time for obtaining a full supply of labour for the operations of each half-year.

But within the last few months, the whole scheme has, by order of the Government of India, been thoroughly amalgamated with the Forest Department, and such difficulties as the above will be much mitigated or overcome. Experience also will tend to obviate that portion of want of success resulting from the methods being new, and the scale of the operations unprecedentedly large. The liability to very severe frosts in *sailaba* and elsewhere, from the effects of which many thousands of plants had died, is likely to be a permanent source of risk, as is the uncertainty of the heights to which the floods of successive years rise in certain low tracts. When water remains on the ground after sowing, for more than a few hours, the seeds are apt to rot, while in the quasi-rainless tracts, if the flood does not come sufficiently near to afford them some moisture, they frequently fail to germinate. Not the least of the difficulties has arisen from the number of the plantations, and their distance from each other and often from stations. These, with the inclement weather and extremes of temperature to which the Executive officers are exposed at the two seasons of active work, renders creditable the way in which they had fulfilled their duties.

The advantages of this trench-system of growing trees on the large scale are as follows :—1. The amount of work done is easily calculated. 2. The process is so simple that supervision and check are comparatively easy. 3. The soil is thoroughly opened and turned up, so as to get the full benefit of exposure to the action of the air. 4. The tender roots of the young plants easily penetrate the soft earth, so that their viability through frost, &c., is increased. 5. As only a breadth of one foot in fifteen *must* be irrigated, the quantity of water, and time for



of, and taken the warmest interest in, tree-planting, calculated that to cover the ground well with trees from broadcast seed, would cost 53 rupees per acre to the end of their tenth year; while in a subsequent statement, perhaps modified by intermediate experience, he estimated that the expense would be 152 rupees per acre, to the end of the first year.

So far then, the past results of the fuel plantations appear sufficiently favourable. Let us now examine the pecuniary aspect of the question, from a somewhat more distant point of view. We may perhaps put the ultimate cost of the full-grown trees without the price of land, at 30 rupees per acre as a maximum, or 6,60,000 rupees for 22,000 acres from Delhi to Moulton. It is impossible, without wider experience, to do more than guess at what all the land to be taken up shall cost; but seeing that only in the districts of Loodiana and Umballa will any large proportion of it have to be bought at high rates, it seems extremely unlikely that more than 3,00,000 rupees, or under fourteen rupees per acre over *all*, should have to be expended on this head. The total expenditure would thus be somewhat under ten lakhs of rupees, or rather less than 44 rupees per acre. We have omitted only the interest on capital laid out, and have perhaps not allowed quite enough for the cost of pruning and thinning, &c. But it must be kept in mind that these operations will very much more than pay their expenses, while considerable sums are even now being received for the grass cut and carried away from certain of the plantations. Nor have we taken into account the possibly considerable profits from some judicious method of utilizing the space between the trenches while the trees are young, and until they nearly cover the ground so as to interfere with the growth of crops.

The per-contra side of the account may be put as follows: If each acre of ten years' old trees yields 800 maunds of dry fuel, the total product will be 1,76,00,000 maunds. Suppose this to be sold standing to the Railway, at ten rupees per 100 maunds, the result is 17,60,000 rupees; giving Government more than eighty per cent. of profit, or leaving that margin for possible errors. And although we should not like to endorse every item of any projector whom we have yet met, still, considering the feasibility of those estimates of Dr. Stewart for which reasons are given, we see no cause to suppose that he is one of those fanatical visionaries, or over-clever inventors of schemes, who find it easy to err to the extent of eighty per cent.

From the Railway Company's side again, suppose they get the standing fuel at ten rupees per hundred maunds, five rupees seems

sufficient for felling and extras, and ten rupees ample to carry a hundred maunds 15 miles by land, and leave a margin; while almost none of the plantations are to be more than ten miles of land carriage from the line, and some of them much less. Even this liberal estimate would only bring the price of the fuel on the line to twenty-five rupees per hundred maunds, or less than the average rate that has *now* to be paid from Delhi to Moultan, for a much inferior article to what sound *kikkar* and *sissoo* will furnish.

On the whole then, we believe we may well congratulate Government upon having determined to complete a planting scheme, on a principle probably applicable to other tracts with similar climate and capabilities, and which seems so likely to provide a permanent and continuous supply of good fuel for the Railway, as well as to return a fair profit to the agency undertaking it. It is needless to dwell upon the advantages which will accrue from having such large and easily calculated stores of growing fuel in compact manageable blocks in convenient situations, instead of, as now, having an indefinite and precarious stock scattered over immense tracts of country. The land occupied by the latter is at present more or less locked up from being made available for the ordinary agricultural wants of the country; but if the present plan is carried out successfully to its legitimate end, they may in great part be set free gradually to supply these. It has been frequently remarked that there is no vegetable product very largely consumed by man, and capable of cultivation, which it is not in the long run found profitable to cultivate, instead of trusting to the uncertain supplies of nature; and it would seem that this remark will before long be verified as to fuel in the Punjab.

Nor must it be forgotten that the trees to be grown are of kinds calculated to be of use otherwise than as fuel. Both *kikkar* and *sissoo* are largely employed for agricultural implements, and in construction, &c. And a proportion of the trees in these plantations may be left to attain a size sufficient for these purposes, or even for Railway sleepers, as in some parts of India the timber of either has been used for them. Nor need the system be confined to such trees, but will probably ere long be extended on a smaller scale, and with greater care, to more valuable kinds, such as *toon*, &c. To carry out a scheme calculated to fulfil ends such as these, an annual expenditure of a sum considerably less than is now received by Government in a year for fuel, in the districts traversed by the Punjab Railway, can hardly be considered excessive, even in these cheese-paring days.

There is certainly much less room for congratulation as to progress in regard to the preservation of the natural fuel supply, which we have discussed in the early part of this paper. But we believe we have shewn that, in the opinions of the chief authorities of the Punjab, a great change for the better has, of late years, taken place as to the need for some radical reform, in *rukḥ* management. If this change has not yet fructified into action, the delay seems to result merely from the circumstance that inertia is powerful with Governments, as with other ponderous machines. And we may feel certain, that if the Punjab Government, clogged by subordinate officers more conservative and with less breadth of view than itself, has as yet found it difficult to move energetically in the matter of *rukḥ* management, it will by and by do so, not less effectually and judiciously than it already has as to the formation of fuel plantations.

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ART. III.—1. *Historical Sketches of the South of India, in an attempt to trace the History of Mysore.* By Lieutenant Colonel Mark Wilks. London: Longmans, 1810.

2. *History of India.* By John Clark Marshman. Serampore: printed at the Serampore Press, 1867.

THE mode in which some of the native dynasties in India have risen from nothing, flourished for a period, and then disappeared to make way for another, offer to the thoughtful mind of the historical student abundant materials for reflection. Notwithstanding the *éclat* and the magnificence which have been attached to some of these dynasties during the brief period of their ephemeral existence, it will be impossible, we think, to avoid the conclusion that their rise, their duration, and their fall, depended upon but one condition, and that was the power they possessed of wielding the sword. Their rule was but rarely based upon the affection of their subjects, for those subjects complacently acquiesced in the deposition of some members of the house, the murder of others, the transfer of power to an alien race. What interest, indeed, could have been felt by subjects in princes who almost invariably oppressed them, who regarded the tillers of the soils as beasts of burden, from whom the utmost value of their labour was to be demanded with rigorous exactness; as serfs, who, on the smallest show of resistance, were to be dragooned into submission? What interest could subjects feel in sovereigns who took no interest in their welfare, not even the interest which a selfish man would be supposed to take in those who were the main source of his riches? Whether the sovereign were Hindoo or Mahomedan, it was, in the pre-European epoch, generally alike to the people. Under both they were equally oppressed, equally taxed, equally impressed for service in war. Under neither were they able to acquire to themselves such influence as would have ensured a fair consideration for their interests as a class. Occasionally, indeed, there arose a monarch like Akbar, the greatest, in our opinion, of all the men, whether European or Asiatic, who have ever sat upon a throne, but the transient benefits that were derived from rulers such as he, only brought

into stronger contrast the misdoings of other potentates. The founders of dynasties and their immediate successors were influenced occasionally, no doubt, by higher and more lofty considerations, but the *fainéant* sovereigns, born in the purple, seldom cared for anything but the gratification of their own appetites. Oppression then became the normal, justice the exceptional, order of affairs.

Can we wonder then, that in all the changes of dynasties that have taken place in many kingdoms and chiefships of this vast country, there has been so little patriotism displayed by the people? That utter and complete indifference has been shown by them with respect to those ancient dynasties, which, from their very antiquity, from their long bearing of office, might have been supposed to have taken some hold, if not on the affections, at least on the sentimental inclinations of the governed? It is a fact that beyond the fighting class no such patriotism, no such sentimental inclinations, have been evinced. And even the fighting class have been almost always animated by the chances of success and by mercenary motives, rather than by an affection for their native princes. In Mysore, for instance, the Hindoo soldiers of Hyder Ali were more ready to fight for that adventurer, than for the dynasty which, for more than two hundred years, had ruled over their land, and in connection with which their earliest recollections were associated. If we want to know the real motives by which the conduct of such soldiers is influenced, we have but to turn our eyes to the Affghanistan of the present, where it is common for the partisans of one party to-day to fight against the adherents of their leader of yesterday.

We have said that not even sentimental feelings have been generally shown by the subjects of the various kingdoms of India towards their dynastic rulers, and we hold to this assertion. But we are far from denying that sentimental feeling towards those dynasties has not been evinced by others, who are not, who never have been, and who are never likely to be, under the rule of those dynasties. We hear, on the contrary, a great deal of the wrong done to native dynasties by our refusal to maintain them at all hazards in their position; of the cruelty of removing from his throne, and bestowing only a pension, though that pension be a very large one, on a man whom his subjects, who had the best opportunities of knowing what he really was, had learned to hate and to dispise. A large and influential party at home have indeed gone so far as to identify the tranquillity of India with the support on his throne of a sovereign, the representative of a dynasty, the first expulsion of which the

people had witnessed without regret, and who, tried himself, showed himself the equal of the worst of his predecessors. We all recollect the outcry that was made about Oudh. We ourselves looked with indignation at what we then regarded as the spoliation of that country. Yet we are now more than ever convinced that that was a righteous act, and that the indignation was born of combined ignorance and false sentiment. The fact is, that those who felt that indignation had never been under the rule of the kings of Oudh. It is true, they have never been so since, but they have had opportunities of judging what that rule is like, from the experiences to be acquired not very far from Calcutta. We shall never forget a remark made to us about two years ago by a native gentleman, of great ability, and much respected in this city. "I always thought," he said, "before I had an opportunity of witnessing the internal economy of the king's household, that the annexation of Oudh was a shameful act: I am now convinced that it was a necessary duty. There is no one who has seen the management of the household, but who would tremble for the kingdom confided to such hands."

It is not, however, of Oudh that we would write. We would prefer to give a slight sketch of the rise and progress of a kingdom which was founded and governed by a Hindoo dynasty for upwards of two hundred years; which, then conquered by a Mahomedan soldier of fortune, was ruled by him and by his son for forty years; which then, falling into the hands of the British, was by them restored, not to the lineal descendant of the original Hindoo dynasty, but to the son of a distant connexion, whom, in sport rather than in earnest, the Mahomedan soldier of fortune had placed as a pageant king upon a pageant throne; which, falling again, in consequence of the extravagancies and misgovernment of the king we had, literally, picked out of a hovel to educate for a throne, into the hands of the British,—by whom *Suttee* has been forbidden, transit duties abolished, a wild and martial Mahomedan population reclaimed to agricultural pursuits, equality before the law established, and justice brought to the door of the poor man,—is to be transferred once more to the descendant of the race on whom the medicine of misfortune has been tried, but hitherto tried in vain. That kingdom is Mysore.

The early history of the territory known as Mysore is involved in obscurity. According to the Hindoo legend, a small territory to the west of the Carnatic, consisting of two fortified places and a few villages, was raised to an independent condition by two young men of the tribe of Yedava, who, coming as strangers

to a marriage festival at Hadana near Mysore, slew, with the connivance of the bride and her relatives, the destined bridegroom, a chief of Caroogully. One of them, the elder, married the bride, and became the acknowledged lord of the united territories. This fact, we are informed by Colonel Wilks, is recorded in many manuscripts, but its date is uncertain. There are, however, authentic records to show that in 1507, the country was under the rule of Cham Raj, called the Sixfingered, from his being marked by that peculiarity.

At this time, however, the territories under his rule comprehended only a few villages, two or three of which were fortified, and Cham Raj was more of a zemindar than a king. But small as were his possessions, they were subdivided by his successor, Betad Cham Raj, in 1524, amongst his three sons. To the youngest of these, Cham Raj, surnamed the Bald, was assigned the fort of Pooragurry with some adjacent villages. This fort was, however, repaired or re-erected in the same year, and its name was changed to Mahesh Asoor, "the buffalo-headed monster." Thence is derived the more modern appellation of Mysore.

Cham Raj, the Bald, may thus be styled the first ruler of Mysore,—for though not the founder of his family,—though indeed by the failure of issue in his family, his territories devolved afterwards on the descendants of his brothers, he was the first ruler of the territory known as Mysore. Not many years after the subdivision we have recorded, the Mahomedan power began to make itself felt south of the Dekkan. In 1564, the Hindoo kingdom of Bijjanugger succumbed to the four Mussulman sovereigns of Dowlutabad, Bijapore, Golconda, and Beder. This event proved in the main eminently advantageous to the possessor of Mysore. That little fort, for it was then no more, was situated too much to the south to tempt, at that period, the attacks of the Mahomedans; whilst the fall of the great Hindoo house of the Dekkan released its occupier from the state of vassalage in which he had hitherto been held. For several years, then, the descendants of Cham Raj struggled to obtain an independent position, and at the same time to aggrandise their territories.

The representative of the dynasty of Bijjanugger had fled after his expulsion from that place to Seringapatam, where he kept up a sort of regal state. In reality, however, he was weak and powerless, and none knew this better than Heere Cham Raj, the successor of Cham Raj, the Bald. He accordingly evaded the payment of tribute, erected a line of fortifications, expelled the royal collectors, and bade defiance to the Rajah himself in

the city of Seringapatam. We may pause to note a circumstance which is strongly characteristic of the proceedings of the various houses which have reigned in Hindostan. There has never existed any real loyalty towards the great representative reigning house of the country. When such a house has been struck down, the minor princes, though of the same religion and having the same real interests, have almost invariably hastened to endeavour to profit by its fall, instead of to work towards its recovery. The history of the subversion of the Hindoo dynasty of Bijjanugger forms no exception to this rule. In all its struggles to recover from the blow dealt by the Mahomedans and to re-assert its sovereignty, it was thwarted by its ancient vassals, likewise of the Hindoo persuasion, and suffered at least as much from their attempts at independence, as from the attacks of the foreign invaders.

In 1576, Mysore received an accession of territory. In that year Heere Cham Raj died childless. The succession fell consequently to Betad Wadeyar, the grandson of the Rajah who had originally partitioned the territory. The second third, represented by the fort of Hemunkully and the surrounding villages, was therefore reunited to Mysore.

A few years later Betad Wadeyar gave way to his brother Raj Wadeyar, who conquered from his cousin the remaining third of the original territory, represented by the fort of Kembala. Under the rule of this Raj Wadeyar, who appears to have been a man of considerable ability, the limits of Mysore were greatly extended, and its power considerably increased. Perhaps the most important of his acquisitions was the famous city of Seringapatam, originally called Siri Runga Puttun, or the city of the holy Runga, and which had long been the seat of the expelled sovereign of Bijjanugger. There are several versions current as to the manner in which this city came into the hands of Raj Wadeyar, but Colonel Wilks is of opinion that on the death of the Bijjanugger sovereign, it devolved upon him as the ablest of the Hindoo princes in the vicinity. Thenceforth Seringapatam became the seat of government of the Raj of Mysore. It is curious to note that the occupation of this city was followed by a change of religion on the part of the Rajah. Before that time the family had professed the religion of the Jungum, thenceforth they adopted the forms prescribed for the followers of Vishnoo. Several other conquests followed the acquisition of Seringapatam.

Raj Wadeyar died in 1617, leaving behind him a very great reputation. Not only had he re-united the three portions of the territories divided by his ancestor, and considerably

added thereto, but by the possession of Seringapatam on the demise of the ruler of Bijjanugger, he had come to be regarded as the Chief of the Hindoo sovereigns south of the Kistna. He left his policy behind him. During a reign of twenty years, his grandson, Cham Raj, added to his dominions, and continued his policy of treating the conquered with leniency. On his death in 1637, he was succeeded by his uncle Immadee Raj, born after the death of his father. This prince however, who inherited the martial qualities of Raj Wadeyar, was poisoned after a reign of eighteen months by his minister. As he left no offspring, the throne reverted to the son of the elder brother of Raj Wadeyar, by name Cantiréva Narsa Raj.

This prince had hitherto lived in obscurity, but he was endowed with a chivalrous spirit, and unusual strength and courage. Colonel Wilks relates an instance of his having gone in disguise to the court of Trichinopoly to meet in single combat a celebrated champion whose fame was in every one's mouth. He encountered and slew him; then, with a modesty equal to his courage, notwithstanding the solicitations of the king, returned to his humble abode. It is probable that the minister, who, to retain the actual power in his own hands, had murdered his predecessor, little knew the real character of Cantiréva, when he invited him to assume the reins of government at Seringapatam; nor was the prince aware, when he accepted the offer, of the circumstances which had attended the death of his cousin. The insolence of the minister soon after the prince's arrival brought matters to a crisis; Cantiréva was informed of the fate which had befallen his predecessor, and which probably awaited himself; he determined therefore to strike the first blow. The minister was accordingly waylaid, and, after a severe struggle, despatched.

The throne had been gained just in time, for, the following year, Cantiréva had to sustain the first invasion of the Mahomedans. The general of the king of Bijapore attacked his dominions, and even besieged Seringapatam. A breach was effected in the walls, and a general assault was delivered. Cantiréva, however, not only beat back the assailants, but pursued them with great slaughter beyond the border. He then proceeded to consolidate the conquests previously made, to settle the lands, and to introduce an organised system of administration. Amongst other matters he enlarged the fortifications of Seringapatam, and established a mint. Nor was he less averse to military enterprises than the most warlike of his predecessors. He extended his dominions, by a succession of conquests in the direction of

Bijanugger and Madura, and concluded his warlike achievements by gaining a great victory over the Rajah of Maagry whose territories he annexed.

On the death of Cantiréva childless, in 1659, the sovereignty of Mysore devolved upon a distant relative, a lineal descendant of one of his ancestors. The name of this prince was Dud\* Déo Raj. He repulsed a serious invasion headed by the Rajah of Bednore, defeated the Naick of Madura, and by conquests from both, as well as by the absorption of some petty states, added greatly to his dominions; he died in 1672, just about the time when the French were struggling with their early difficulties in a corner of the Carnatic.

At this time Mysore may be said to have emerged from the *status* of a Zemindaree, and to have assumed a position of importance in Southern India. Until this period the rulers of the little territory, struggling to enlarge it, had had but little leisure and little opportunity for indulgence in luxury. The desire to extend the limits of the State had been handed down as an hereditary maxim from each sovereign to his successor. We have seen how, up to this point, they had endeavoured to carry with them the feelings of the people, by rating the ryots of the conquered lands at no heavier assessment than their own vassals. The real difficulties of governing were now to begin. The State was, from its size, beginning to attract attention. The Mahomedan power in Southern India, too, was at its zenith. It ruled not only the district known as the Dekkan, but possessed the Carnatic on the eastern, and Bijapore on the western, coast; it was known also to be actuated by designs on Trichinopoly. On the western coast, besides, there was rising a power destined to become the enemy of all authorities, Hindoo or Mahomedan,—the great power of the Mahrattas. Mysore would have, indeed, to contend with difficulties in its further progress to greatness.

Dud Déo Raj was succeeded in 1672 by Chick Déo Raj. In the reign of this monarch the Mahratta power had become really formidable. The important posts of Gingee and Vellore fell into the hands of Sevajee, the kingdoms of Bijapore and Golconda were pushed hard, Tanjore was overrun and conquered. Yet, though thus approached by such a powerful enemy, Mysore was too far south of the direct line of his movements to fear an attack, unless indeed she should provoke it. But this her sovereign was especially careful not to do. Whilst maintaining a

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\* Dud, in the language of Mysore, signifies "great;" Chick little; or senior and junior.—*Wilks*.

constant look-out on his frontier, and even taking every opportunity of extending it imperceptibly, he devoted his main energies to placing the internal affairs of the kingdom on a permanent basis. He established a Post Office, openly for the transmission of letters, really for obtaining for himself a knowledge of their contents. The knowledge he thus acquired he used to make himself the centre of all the power of the State. He compelled the abolition by all his feudatories and dependents of the title of Rajah, forcing them to fix their residence at Seringapatam, and converting them from rebellious princes into obsequious courtiers. His policy in this respect bears a striking analogy to that of Richelieu in France, during the reign of Louis XIII., and was influenced by the same motives,—the repression of feudal and quasi-independent rights, and the establishment of an almost absolute monarchy on their ruins. His other measures were not dictated by the same wisdom. To increase the amount receivable from the land assessments, he had recourse to a variety of vexatious taxes upon the husbandmen, with the view to induce them to compound for the removal of the most objectionable by agreeing to pay a larger amount in the shape of revenue. From this, as a matter of policy, were exempted only lands granted for military service. The vexatious nature of these taxes, which will be referred to hereafter, and which, if applied to Bengal, would startle the ryots of that province, produced a passive resistance amongst the agricultural population of Mysore. The mode in which this resistance was crushed, by one of the most enlightened monarchs who ever reigned in Mysore, affords a striking contrast to the mild measures adopted in cases of passive resistance to authority by the western rulers of India. It should be recollected that on this occasion there was no revolt, no actual outbreak. It was simply this :—that the children of the soil, crushed by the multifarious taxes which interfered with their sowing, their reaping, their gathering into store, and the selling of the produce of their fields, suspended their inverted ploughs at the gates of their villages, and generally announced their intention to emigrate from a land which denied them the fruits of their labour, rather than cultivate on the terms proposed. A few, and only a few, talked of revenge ; the rest were prepared peaceably to depart. But Chick Déo Raj was too sensible of the value to himself and his kingdom of these cultivators to allow them to leave. And this is the mode he adopted to prevent them. We tell the story as related by Colonel Wilks :—“ An invitation “ was sent to all the priests of the Jungum,”—to which religion the people belonged,—“ to meet the Rajah at the great temple of



"Nunjendgode, about fourteen miles south of Mysore, ostensibly to converse with him on the subject of the refractory conduct of their followers. Treachery was apprehended, and the number which assembled was estimated at about four hundred only. A large pit had been previously prepared in a walled inclosure, connected by a series of squares composed of tent-walls, with the canopy of audience, at which they were successively received one at a time, and, after making their obeisance, were desired to retire to a place, where, according to custom, they expected to find refreshments prepared at the expense of the Rajah. Expert executioners were in waiting at the square, and every individual in question was so skilfully beheaded, and tumbled into the pit, as to give no alarm to those who followed; and the business of the public audience went on without interruption or suspicion." Having thus quietly rid himself of four hundred priests, the Rajah proceeded to put in operation the plans he had concerted for the extermination or dispersion of their followers. "Wherever a mob had assembled, a detachment of troops, chiefly cavalry, was collected in the neighbourhood, and prepared to act on one and the same day. The orders were distinct and simple: to charge without parley into the midst of the mob; to cut down in the first selection every man wearing an orange-coloured robe (the peculiar garb of the Jungum priests); and not to cease acting until the crowds had everywhere dispersed." Having thus paralysed the people by terror, the Rajah, it is said, with very little difficulty, "exacted from every village a written renunciation, ostensibly voluntary, of private property in the land, and an acknowledgment that it was the right of the State." This occurrence affords one of the few instances on record of the successful warfare by a sovereign against his own people on a question, with reference to which the people are of all others the most sensitive,—the question of their rights to the proprietorship of the soil.

Meanwhile Sevajee had died. Aurungzebe, then at the height of his power, had returned to the Dekkan, conquered the independent Mahomedan sovereignties of Bijapore and Golconda, and was engaged in exerting all his energies to crush the Mahrattas. Then it was that the Chief of Mysore first came into contact with the rivals contending for the possession of Southern India. The Mahratta ruler of Tanjore, who then held possession of the district of Bangalore, finding that in the coming conflict his hold upon that territory would be precarious, and might lead him into difficulties, sold

it to the Rajah of Mysore for three lakhs of rupees.\* And though the troops of Aurungzebe anticipated the action of the purchaser and seized the country, they were too glad to yield it to Mysore, on the transfer to themselves, instead of to Tanjore, of the promised purchase-money. Allying himself then with the great Mahomedan sovereign, the Mysore ruler made conquests at the expense of the Mahrattas and the Rajah of Bednore; and although his own capital was on one occasion suddenly besieged by an army of the former warriors, the invaders were, by the combined skill and stratagem employed by his son, driven ignominiously from the kingdom. It was soon after this that the ruler of Mysore, till then known at the Imperial Court only as the zemindar of that country, obtained from Aurungzebe the title of Rajah, with the privilege of sitting on an ivory throne. The throne made for this purpose was, we are informed by Colonel Wilks, always used by the successors of the Rajah; "it is the same which, in the year 1799, was found in a lumber room of Tippoo Sultan's palace; was employed in the installation of the present Rajah; and is always used by him on occasions of public ceremony."

Chick Déo Raj died in 1704, after having added thirteen important districts to his territories, and obtained from Aurungzebe the recognition of himself as a sovereign prince, independent of all but the Mogul.

The dynasty, which had for nearly two hundred years reigned over Mysore, and had raised it from a small zemindaree to the dignity of a kingdom, was now, however, about to suffer a fate inseparable from all despotic dynasties, *viz.*, the fate either of being sterile or of failing to produce a competent representative. The successor of Chick Déo Raj, by name Cantiréva Raj, had the misfortune to be born deaf and dumb. He did not possess the commanding intellect requisite to balance so great a misfortune, and although the energy infused by his predecessor into all branches of the administration continued to exercise a perceptible influence during his life-time, yet his own inability to control actively the governing machine contributed to foster a state of things, such as eventually led to the overthrow of the dynasty. In despotic states the sovereign, if he wishes to govern, must be everything; if he cannot take upon his own shoulders the responsibilities of his position,

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\* Colonel Wilks very justly remarks (Vol. I. page 91), that the sale of important district of Bangalore for so small a sum as three lakhs of rupees, is a striking instance of the insecurity of the tenure of property in those days of native rule.

some one else must and will. And the experience of such states has fully shown—it shows every day—that the man who has once enjoyed the substance of authority, will use all the means in his power to make its possession hereditary in his family. So it was in Mysore. Cantiréva died after a reign of ten years, leaving the crown to his son, Dud Kishen Raj. This sovereign, let it be recollected, was but the third in succession from the prince who had raised Mysore to the dignity of a kingdom. Prior to that date its rulers had been struggling for a position. That position had been obtained. But from the moment of its obtainment how rapid is the downfall! Cantiréva a nonentity, Dud Kishen an imbecile, leaving to his successors but an empty title and a pageant throne!

It would answer no purpose were to follow Dud Kishen in his inglorious reign. The process of his fall is thus described by Colonel Wilks: "Whatever portion of vigour or wisdom," writes this historian, "appeared in the conduct of this reign, belonged exclusively to the ministers, who secured their own authority by appearing with affected humility to study in all things the inclinations and wishes of the Rajah. Weak and capricious in his temper, he committed the most cruel excesses on the persons and property of those who approached him, and as quickly restored them to his favour. While no opposition was made to the establishment of almost incredible absurdity, amounting to a lakh of rupees annually, for the maintenance of an alms-house to feed beasts of prey, reptiles, and insects, he believed himself to be an unlimited despot; and while amply supplied with the means of sensual pleasure, to which he devoted the largest portion of his time, he thought himself the greatest and happiest of monarchs, without understanding or caring to understand, during a reign of nineteen years, the troublesome details through which he was supplied with all that is necessary for animal gratification." It is easy to understand that under such a sovereign, the ministers who affected humility, in order, by gratifying his inclinations, to secure their power, were not unfaithful to the traditions of their class. Prominent amongst them were two, Déo Raj, and his cousin Nunjeraj. So long as the Rajah lived they allowed him to enjoy the empty pageantry of power, contenting themselves with its practical exercise; but upon his death in 1731, they treated his distant relative and successor, Cham Raj, with undisguised contempt. They were at first, indeed, a little too outspoken in their proceedings, for Cham Raj, though a man of contemptible intellect, possessed that special quality of the weak-minded, that he knew how to conspire. Suddenly he removed his ministers, and filled

their places with creatures of his own. But he did not possess the force of mind necessary to strengthen his position, and to improve his victory. Déo Raj plotted in his turn, and taking advantage of the absence of the Rajah from the city, with a slender escort, he seized the palace, gained over the troops, and, seizing the Rajah, sentenced him to life-imprisonment on the hill of Cabal Droog,—the climate of which was sufficient to ensure death. As if this were not enough, the Rajah was supplied during his captivity with unwholesome food,—a procedure which speedily put an end to his sufferings.

From the deposition of Cham Raj, Colonel Wilks dates the extinction of the dynasty which had reigned for two hundred years in Mysore; thenceforward though a member of the old family held the nominal office of Rajah, all the authority in the state was in the hands of Hindoo or Mahomedan usurpers. In tracing the further history of the country, the names of the ministers or actual rulers will principally engage our attention, as the Rajahs were seldom permitted to emerge from the precincts of the palace.

The first of these minister rulers under the nominal sovereign, Chick Kishen Raj, were the two cousins, Déo Raj and Nunjeraj. Shortly after they had secured to their adherents all the important posts in the kingdom, Nunjeraj died. A few months later, Mysore was invaded by the Nawab of the Carnatic, Dost Ali. He was foiled, however, by the superior address of Déo Raj, and his army was defeated with great slaughter. Shortly afterwards Déo Raj acknowledged the supremacy of the Emperor of Delhi by paying tribute to Nizamool-Moolk, Subadar of Dekkan, who demanded it at the head of an army. Then, too old himself to take the field with his troops, he confined his attention to the internal administration of the kingdom, making over the command of the army to a younger brother, also named Nunjeraj, and whose exploits against, and in alliance with, the French and English for the possession of Trichinopoly, are recorded at great length in the pages of Orme. To secure his position Nunjeraj married his daughter to the titular king, Chick Kishen.\*

But Déo Raj was destined to find that neither himself nor his brother, able as they were, were secure against the same means which he himself had employed against his master. The successful seizure of power always acts as an incentive to men who feel within themselves the consciousness of the possession of

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\* The descendants of this marriage by the female line were alive in 1811: some of them probably still survive.

great capacities to follow the example thus set them. It happened that amongst the soldiers employed by Nunjeraj, was one Hyder Sahib, or Hyder Ali, the grandson of Mahomed Bhelole, a religious person, who, coming from the Punjab, founded a small mosque near Hydrabad, and the son of Futteh Mahomed, who was killed when fighting for Abdul Russool Khan against Saadut-Oolla for the possession of Sera. This Hyder was nearly thirty years old when he entered the service of Mysore, but his talents soon brought him to the notice of Nunjeraj, and at the close of the first campaign he was appointed to the charge of an independent corps.

From that time the name of Hyder Ali becomes inseparably connected with Mysore. It would be, however, foreign to our purpose, indeed it would be impossible in the space allotted to an article, to enter into a history of his exploits, or of the exploits of the army which, under the command of Nunjeraj, assisted first the English, and afterwards the French, in their contest for empire. For a long time the two brothers held their power with a firm hand, never allowing a single opportunity to escape them of adding to their wealth. Under their rule the interests of the peasantry were but little regarded. The traditions, however, of the persecutions of Chick Déo Raj, and their own experience of the imbecillity of Dud Kishen, were sufficient to prevent the ryots from indulging in any wish in favour of the confined Rajah of the ancient dynasty. Other causes contributed at this time to the weakness of the kingdom; its resources had been considerably impaired by foreign war; they received a further blow when, in 1755, Déo Raj, to save Seringapatam from the hands of Salabut Jung, aided by a French force under Bussy, was forced to promise payment of a contribution-tribute of fifty-six lakhs of rupees, a portion of which was supplied by the spoils of the Hindoo temples, and the plunder of the private property of the Rajah.

The year following a quarrel ensued between the two usurping brothers on the subject of the treatment of the young Raja, who was beginning to chafe very mildly under his captive state. Déo Raj would have preferred mild measures, but Nunjeraj, deeming severity to be the best lesson, opened an artillery fire upon the palace,—the gates of which had been closed by the Rajah,—stormed it, and placing the Rajah upon his throne, caused the noses and ears of his principal adherents to be cut off in his presence. This occurred less than a year before the victory of Plassey gave England her first firm footing in Bengal.

A few months later the Mahrattas appeared before Seringapatam, and compelled Nunjeraj to resign a large portion of the

territory of Mysore. Meanwhile Déo Raj, not approving of the conduct of his associate, had left Seringapatam laden with the plunder he had amassed by his oppression of the people, and the supreme power remained in the possession of Nunjeraj. But the division between the brothers had been Hyder's opportunity. Hitherto, though feared, Hyder had been caressed and petted by Nunjeraj, and had been assigned territories which added greatly to his power and influence; he had been saluted by the Rajah and by Nunjeraj himself as Futteh Hyder Bahadoor, and Nunjeraj had invariably plumed himself upon the sagacity he had evinced in bringing forward a man who had shown talents so remarkable. He was now to see that Hyder had two sides to his character. This chieftain had determined to attain supreme power. To that end Nunjeraj was the first obstacle. To remove him he concerted a plan with the Queen Dowager, by which he so worked upon the nerves of the usurper, that Nunjeraj resigned, and, after some show of opposition, agreed to take up his residence at Cunnoor, twenty-five miles from Mysore. The revenues of more than one-half the kingdom were then assigned to Hyder Ali. He continued, however, on one pretence or another to ask for more, until in 1760, he had obtained complete possession of the whole, and this, notwithstanding a desperate and nearly successful attempt to oust him in that very year, he retained to the day of his death.

The reign of Hyder, his contests with the English, his devastation of the country up the gates of Madras, are familiar to all the readers of Anglo-Indian history. Writing, as we are, only of the Hindoo dynasty of Mysore, anything beyond the barest allusion to his exploits, as well as to those of his son Tippoo, would be out of place in this article. It devolves upon us rather to inquire, what, during the reigns of those warriors, had become of that Hindoo dynasty. On the death of the titular Rajah Chick Kishen, in 1766, Hyder had invested his eldest son with all the dignities of a sovereign prince; but learning soon after that the young prince, Nunjeraj Wadeyar, had evinced some of the yearnings for liberty natural to man, he resumed the amount that had been allotted for the maintenance of the sovereign, plundered the palace of all its cash and valuables, with the exception of the ornaments on the persons of the women, reduced the household, and replaced those who were expelled by his own spies. Five years later, during a crisis in Hyder's fortunes, this Rajah attempted to open negotiations with the Mahrattas. Detected in this, he was strangled by the order of Hyder, and his brother, Cham Raj, invested in his place.

Cham Raj died in 1775. He was the last male representative of the family, and, for any practical service to the country, the Hindoo dynasty might then and there have been pronounced to be extinguished. But it suited the whim of Hyder to have a pageant Rajah. He rejected, however, the nearest in order of relationship Rajah Chick Kishen Raj,—his grandson in the female line—and adopted a mode of his own to provide a successor. The details of this method we transcribe at length from Colonel Wilks :—

“About this period,” he writes, “the pageant Rajah Cham Raj died; Hyder had hitherto professed to hold Mysore in behalf of the Hindoo house; and amused his subjects on every annual feast of the Desserah by exhibiting the pageant, seated on his ivory throne, in the balcony of state; himself occupying the place of minister and commander-in-chief. This ceremonial, in most countries, would have excited feelings dangerous to the usurper; but the unhappy Hindoos saw their country every where sustaining the scourge of Mahomedan rule; the singular exception of the Mahratta state, a wide spreading example of still more ruthless oppression, restrained their natural preference for rulers of their own persuasion; and they were soothed with the occasional condescension, which treated them and their institutions with a resemblance of respect. Hyder saw and indulged the working of these reflections, and determined to have another pageant. The lineal male succession was extinct,\* and he ordered all the children to be collected from the different branches of the house, who, according to ancient precedent, were entitled to furnish a successor to the throne. The ceremonial observed on this occasion, however childish, was in perfect accordance with the feelings which he intended to delude, and sufficiently adapted to the superstition of the fatalist. The hall of audience was strewed round with fruits, sweetmeats, and flowers, playthings of various descriptions, arms, books, male and female ornaments, bags of money, and every varied object of puerile or manly pursuit; the children were introduced together, and were all invited to help themselves to whatever they liked

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\* It will be observed that Colonel Wilks states in the text that “the lineal male succession was extinct.” This was not the case however with respect to the female branch of the House. Amongst other matters he thus writes in a note to the paragraph quoted in the text :—“There was then in existence, and is now living, a grandson of the Rajah Chick Kishen Raj (from whom Hyder had usurped the Government,) by a daughter of his first wife, the daughter of Nunjeraj. The descendants of Nunjeraj assert the right of succession in favour of this descendant of a female branch, contrary to the rule of Hindoo succession.”

“best; the greater number were quickly engaged in a scramble for the fruits, sweetmeats, and toys; but one child was attracted by a brilliant little dagger, which he took up in his right hand, and soon afterwards a lime in his left. ‘That is the Rajah,’ exclaimed Hyder, ‘his first care is military protection; his second to realize the produce of his dominions—bring him hither, and let me embrace him.’—The assembly was in an universal murmur of applause; and he ordered the child to be conducted to the Hindoo palace, and prepared for installation. He was of the same name as his predecessor, *viz.*, *Cham Raj*, and was the father of the present Rajah, who was placed by the English at the head of the Hindoo house of Mysore on the subversion of the Mahommedan dynasty in 1799.”

This Cham Raj survived the death of Hyder Ali in 1782, but continued till his own demise, in 1795, to be kept a prisoner in the palace. On the occurrence of that event, Tippoo Sultan determined to continue the farce of a pageant ruler no longer. The son of the late Rajah was but two years old; yet the palace was ransacked, and he, his mother, and all his relations, were despoiled of their personal ornaments. They were then removed to a wretched hovel in the neighbourhood. In this hovel they were found when Seringapatam was captured on the 4th May, 1799.

Then ensued a new phase in the history of the country. Dividing between himself and the Nizam a considerable portion of the conquered country, Lord Wellesley placed as ruler over the remainder,—a territory yielding an annual revenue of 49 lakhs of rupees,—the boy whom he had found in the hovel, and whose father had owed his elevation to the regal dignity, not to birth, not to merit, but to the chance of having on one occasion in his childhood preferred a toy dagger to the other playthings by which he was surrounded. “At this time,” writes Mr. Marshman, in his able history of India, “the family had passed out of all recollection of the country.” Lord Wellesley, however, was apparently influenced in the course he adopted by the fact that he saw in it the means of escape from a choice of difficulties. He could not restore even a dismembered portion of Mysore to the representatives of the warlike house of Hyder Ali, without, he thought, laying in store for the English Government the chances of future contests as desperate as those which had gone before; nor could he, on the other hand, appropriate to the British the entire country without exciting the jealousy, and, with it, the probable hostility of the Nizam and the Mahrattas. The assignment to the last recognised descendant of the Hindoo house of Mysore of a considerable portion of the dismembered territory, in a state of



vassalage to the British, seemed to present to the English statesman the means of escape from his dilemma. These were his reasons for placing upon the throne of Mysore a child, six years old, the accident of one of the fancies of Hyder Ali, and who had been nurtured in indigence and misery.

But whilst thus acting, Lord Wellesley seems to have been well aware, that he was trying an experiment which might not, in its results, prove successful. He took care, therefore, to leave in the hands of the British Government full power for the revocation of the conditional arrangement which he concluded with the new Rajah. At the same time that he conferred upon him this regal title, he declared that the territories committed to his charge constituted an integral portion of the British dominions; he forbore to insert in the treaty any allusion to heirs or successors, as had been his invariable custom when entering into similar engagements with other powers, but simply recorded that the Rajah himself was "to possess the territory described." The fact of it having been the intention of Lord Wellesley that the treaty should be a personal treaty only was placed beyond a doubt during the debate in the House of Commons on the subject of Mysore last year, in the course of which Lord William Hay, in his able and exhaustive speech on the question, quoted a passage from Lord Wellesley's correspondence, in which that intention was expressly stated. This correspondence is thus referred to by Mr. Marshman: "The 'accuracy of this assertion,' viz., that the treaty was personal and not dynastic,—remarks that able and conscientious historian,—'had been impugned, but it has been placed beyond controversy by a reference to the original papers of Lord Wellesley, which show, moreover, by the multiplicity of the alterations, the care he bestowed on the wording of the treaty. In the draft drawn up by Colonel Kirkpatrick, the fifth article ran thus:—'The contracting parties mutually and severally agree that the districts in Schedule C. shall be ceded to the Maharajah, and his heirs and successors forever, and shall form the separate Government of Mysore.' Lord Wellesley struck out the words 'heirs and successors' with both pencil and pen, noting in the margin, 'this is unnecessary and dangerous.' In the fair copy of the treaty he wrote in the margin, 'this clause is approved with the omission of the words struck out with the pen,' and he attested the note with his signature, 'Mornington.' Colonel Kirkpatrick pointed out to him that if the signature clause of the treaty were allowed to remain, the Rajah would be placed in the same position as regarded

“ heirs and successors as the Nizam : to which Lord Wellesley  
 “ replied, ‘ Strike it out.’ In the original draft of the subsidiary treaty it was stated that ‘ it should be binding on  
 “ the contracting parties, and their heirs and successors as  
 “ long as the sun and moon should endure.’ Lord Wellesley  
 “ again struck out the words ‘ heirs and successors,’ but left  
 “ in the oriental flourish about the sun and moon. These  
 “ extracts prove to a demonstration that the settlement made  
 “ with the Rajah was intended by Lord Wellesley to be strictly  
 “ personal, and that he carefully excluded every expression which  
 “ might be supposed to imply a right of hereditary succession.”  
 Still further to guard against misgovernment on the part of the new ruler, Lord Wellesley expressly reserved to the British Government the right of resuming their gift. In his memorandum, detailing the reasons by which he was guided in this transaction, Lord Wellesley states that he had restored to the Company “ the most extensive and indisputable powers  
 “ of interposition in the internal affairs of Mysore, as well  
 “ as an unlimited right of assuming the direct management  
 “ of the country.”

The arrangement made by Lord Wellesley, and the reasons for it may thus be summed up. The country was at his feet : it had no legitimate claimant to the title of Rajah ; but were he to stretch out his hands and take it for the English, he might find himself involved in hostilities with the Nizam and the Mahrattas. To avoid this contingency, he placed upon the throne a distant connexion of the old dynasty, who was, however, to acknowledge in all respect, the predominant authority of the East India Company, and whose rule, terminable at all events with his life, was dependent on his good behaviour. It was essentially a bad arrangement,\* for however strongly Lord Wellesley might have expressed his real meaning, it was certain that the elevation to the throne of a connexion, however distant, of the old family, would give birth to hopes, and would rouse ambitions, which could be allayed only by the hereditary possession of the titles and dignity intended only to be personal.

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\* Mr. Marshman gives in his history an abstract of the opinion formed by one of the greatest political officers then or ever in India, Sir Thomas Munro, on this policy. “ He advised,” says Mr. Marshman, “ the partition  
 “ of the whole of the conquered country between the Nizam and the Company. He urged that the inhabitants had long been accustomed to  
 “ the government of strangers ; that they had no national spirit or  
 “ antipathies to stir them up to resistance ; and that they beheld a change  
 “ of rulers with perfect indifference. He argued that no political advantage  
 “ could be gained from dragging the descendant of the Rajah of Mysore

The result of Lord Wellesley's experiment is well known. On acceding to his majority in 1811, the Rajah found that the careful management during his minority had accumulated in his treasury £2,812,500, nearly equal to six years' annual revenue of the country. But though he had been under the political tuition of Colonel Barry Close, the ablest political officer of his day, of Mr. Webbe, and of Colonel Wilks, education had done nothing for him. He was characterised chiefly by an unstable nature, an utter disregard of truth, an entire subservience to unworthy favourites. These qualities produced their natural results. Not only was the treasure hoarded during his minority squandered, but the revenues for future years were anticipated; the highest offices were exposed to sale, venality was rampant in all departments, heavy taxes were imposed upon the people. In vain did the resident remonstrate; his advice was unheeded. At length the crisis came. The people broke out into rebellion. They had but one grievance,—the oppression of their Rajah,—one hope, that the British would assume the administration of the country.

This hope was responded to, and at the call of the people whom he had misgoverned, by whom the family with which he was connected had long been "despised and forgotten," the Rajah was consigned to a life of obscurity, taking with him however one-fifth of the revenues of the country, or fourteen lakhs of rupees per annum as pension, and the administration was assumed by British officers. These measures caused the greatest rejoicings throughout Mysore. They met likewise the approval of the Court of Directors, who directed that, thenceforward the produce of Mysore should be treated in England and India as that of a British possession, and be relieved from differential duties.

Such then is a brief sketch of the reigning dynasty of Mysore up to the present time.\* We can at least trace with

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"from obscurity. 'If,' he said, 'we had found a prince in captivity who 'had once enjoyed power, a proper regard for humanity, and the supposed 'prejudices of the nation in favour of one who had once been their 'sovereign, would no doubt have pleaded strongly for his restoration, 'but no such motive now call upon us to invest the present Rajah, a boy 'of six years old, with royalty, for neither he, nor his father, nor his 'grandfather ever exercised or knew what it was; and long before the 'usurpation of Hyder, the Rajahs had been held as state-prisoners by 'their delways or ministers. No attachment remains towards the family 'among the natives, for it has long been despised and forgotten.' This communication did not unfortunately reach Lord Wellesley, until after his arrangements with respect to the young Rajah had been concluded.

\* We refer those of our readers who may wish to dive more deeply into the question to Colonel Wilks' admirable work on Southern India.

directness, clear even to the most distorted vision, the causes alike of its rise and of its double fall. Mysore rose, because the few villages that first bore that name were removed from the direct path of the powers then contending for the possession of Southern India. Too insignificant to provoke attack, it was yet able to collect to itself materials of aggrandisement from the *debris* of the great Hindoo dynasties, scattered by Mahomedan and Mahratta invasion. Its rise too was materially aided by the principles adopted by some of its early rulers, especially that most important principle of admitting the inhabitants of conquered districts to a position of perfect equality with those of Mysore proper, and of exacting from them no greater amount of taxation. Thus then Mysore gradually rose to a position of importance. But it had scarcely reached that position, when it began to descend from it. The cause is only too patent. Chick Déo Raj, the ruler of Mysore who was first recognised as Rajah, and under whose rule the country first began to count as something amongst the principalities of the Dekkan, was a ruthless oppressor of his own subjects. In foreign policy the most astute, in domestic he was the most cruel, of all the rulers of Mysore. What would be the feelings of the ryots of Jessore and Nuddea if they were called upon to pay taxes, such as these:—1st, a house tax; 2nd, a land tax; 3rd, a tax upon the grass or straw produced by the land; 4th, a transit duty on produce; 5th, a tax upon ploughs; 6th, a tax upon looms; 7th, a tax upon marriage; 8th, a tax upon the buying and selling of cattle; 9th, a tax upon flocks of sheep; 10th, a tax upon wood, whether for building or fuel. Yet these are but ten of the twenty-one taxes\* which were levied by the greatest of the Hindoo Rajahs of Mysore on his agricultural subjects.

The rebellion which followed the imposition of these taxes was indeed quenched in blood, but from that moment the dynasty was doomed. It had incurred the undying hatred of its subjects. The weakness of the successors of Chick Déo

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This article, up to the statement of Lord Wellesley's action, pretends to do no more than to abridge within a readable compass the narrative given by Colonel Wilks of the Hindoo House of Mysore. The more modern portion of its history is known to the world.

\* The other taxes were, 11th, a tax on defective coinage; 12th, a tax on the deficient income of the Zemindar; 13th, a tax on castes out of the Hindoo pale; 14th, a tax on fornication; 15th, a tax upon shops; 16th, a tax upon bullocks kept for hire; 17th, a tax on the manufacture of inland salt; 18th, a tax upon bleaching kettles; 19th, a tax upon fishing; 20th, a tax upon ploughshares (the second of the kind); 21st, a tax upon doors,—equivalent to a window tax.

Raj added contempt to this feeling, and it must be admitted that they richly deserved both. After Chiek Déo, the family never produced a man worthy of the name. The curse of all Eastern dynasties, the curse of being born in the purple, was upon them all. Incapable of acting wisely or well, the wretched representatives of the family were thenceforward smothered in their palaces, first by Hindoo, and afterwards by Mahomedan, usurpers, until the British Government made, in 1799, the curious experiment of raising one of them from the obscurity into which they had all justly fallen. Does the past then offer any hope for the future? Is it fair to the descendants of the men who were driven into rebellion by the present Rajah in 1830, that the experiment should be tried upon them of placing them under the absolute rule of the heir whom he has nominated? At present, under British administration they are prospering and contented. Are those hundreds of thousands of human beings to be exposed to the chances of oppression, in order to gratify the last fancy of a man, who, picked out of the dust by ourselves, has himself squandered the revenues of the country, and driven his people into revolt? Does the British Government rule for the benefit of the masses, or for the advantage of the harpies by whom a weak ruler in India is ever surrounded? These are questions which will be asked of it, not by us indeed, but by the united and indignant voice of the industrious and thriving community, whom it has been proposed to sacrifice once again on the altar of a vicious and spurious sentimentality;—it will be asked by the people of Mysore!

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## VALUE OF EARLY MAHOMETAN HISTORICAL SOURCES.

ART. IV.—1. *Das Leben und die Lehre des Mohammad, nach bisher grösstentheils unbenutzten Quellen bearbeitet von A. Sprenger.* Berlin: 1865.

[*The Life and Doctrine of Mahomet from Sources hitherto for the most part unused.* By A. Sprenger. Three volumes. Berlin: 1865. *Essay prefixed to vol. III. on the Original Sources.*]

THIS is really a great work, the fruit of prodigious learning, and of a life the greater part spent in India in the unwearying search after materials for the early history of Islam, and in their study. Some twenty years ago, Sprenger published at Allahabad a "Life of Mohammad" in English; but compared with the present, it was bald and meagre, and also incomplete, since it stopped short at the Flight from Mecca. It was likewise marked by a love of paradox, and tendency to strike out theories based on but slender grounds. The present work labours, to some extent, under the same defect. For example, from an expression (Hanîf) used in the Coran by Mahomet to signify that he followed the pure and catholic faith of Abraham, Sprenger assumes the existence of an important sect of "Hanîfites," and of Hanîfite works made use of by the Prophet; and having made the assumption, he proceeds to use it as the premiss for still further conclusions. His estimate of the Prophet's character is also essentially inadequate; for, a man of a weak and cunning mind, as Sprenger describes him, could never have accomplished the mighty work which Mahomet wrought. But notwithstanding such blemishes, this book displays incredible research, and is a perfect treasure-house of materials for the study, not only of the lives of Mahomet and his contemporaries, but of the religious, social, and literary development of the early Moslem empire.

It is not our intention, on the present occasion, to review the book as a whole, but simply the essay prefixed to the third volume, in which the nature and value of the materials for the life of Mahomet, and specially of Tradition, are discussed. The work abounds throughout with prelections and digressions which, though valuable in themselves, often check and disturb

the flow of the history. But the preface we are now to consider, forms a detached and independent piece, filling 180 closely printed pages. And it appears to us to be perhaps the most valuable portion of the whole.

We make no apology in presenting the subject to our readers. It may be dry to most, and (from our imperfect treatment) heavy. But the origin and development of the faith of so many millions around us, and the traditional basis and evidence of the things most surely believed among them, cannot be devoid of interest, and, though perhaps difficult to treat attractively, should not on that account be cast aside.

The materials bearing on the rise of Islam are divided by Sprenger into five classes: the Coran; Biographies of the Prophet; Sunna, or Tradition Proper; Commentaries on the Coran; Genealogies. There is a sixth, namely, Original documents copied by the collectors of tradition, but these are known to us only by means of Tradition, and do not properly form a separate class.

The genuineness of the CORAN, and its bearing on the life of Mahomet, have already been discussed at length in this periodical, and need not therefore again be dwelt upon. But the peculiar treatment of Sprenger may be illustrated by one or two of his theories. He holds, for example, that Mahomet at first fulminated denunciations of temporal judgment impending over his unbelieving people; and then, having been, like Jonah, disappointed in the fulfilment, and jeered at by his fellow-citizens, he covered his retreat by the threat of judgment in the world to come; and, in order to hide the manœuvre, arranged the passages of his revelation so that the latter were interpolated among the former, and the colouring of a future life thus given to the whole. But there is no ground for this imputation. The two classes of denunciations, present and future, were intermingled in his preaching by Mahomet from the first; or, if one had the precedence in time, it seems clearly to have been the spiritual. When the Meccans hardened their hearts and stiffened their necks, then the promise of a nearer and a swifter vengeance was pronounced. And, as in the days of Isaiah, these mysterious denunciations called forth the scoffs of the people, who challenged their fulfilment like the ancient Jews:—"Let Him make speed and hasten His work that we may see it; let the counsel of the Holy One of Israel draw nigh and come, that we may know it!"

Another characteristic assumption is based on the term *Mathâni*, or "reiterated passages," applied by Mahomet himself to certain parts of his book. These Sprenger distinguishes

from the rest of the revelation, which was styled the "blessed Coran." His theory is, that Mahomet at first did not pretend to deliver a new Scripture, but only to *reproduce* by divine aid, in an Arabic form, the revelations of the Jewish and Christian periods. To this rehearsal of existing Scripture, he for a time confined himself; till, after several years, breaking through his scruples, he commenced the delivery of a direct and independent revelation. The idea is ingenious, but that is all. Whatever the term "reiterated" may signify, it is certain that the recitation of Jewish passages and incidents, belongs to a comparatively late stage in the composition of the Coran; in the earlier portions, there is but little reference to them.

The history of Zeid's collection of the scattered Suras, to which we give the name of "the Coran," and of the official recension under Othmân is ably traced, and is important to the Christian advocate as accounting for the otherwise marvellous purity of the text. But this is ground on which it is not necessary for us again to enter.\*

We proceed to describe Sprenger's account of the nature and growth of the *SUNNA*, that is, Tradition proper, relating to the practice and precepts of the Prophet,—points that are imperative as laying down the law and ritual of Islam.

By "Sunna," says Dr. Sprenger, is meant usage, or the law of custom. Oriental nations, he thinks, have an irrepressible craving, unknown in the West, after "the positive;" they must have not only their religious duties, but the law, civil and criminal, and even the commonest details of life, eating, drinking, dress, &c., prescribed for them by Divine command.† The Coran failed fully to satisfy this need; and so resort was had to the precepts and practice of the Prophet himself. Hence the authority of the *Sunna*, which professed to hand down the tradition of Mahomet's utterances and of his actions.

We must pause for a moment to say, that the *rationale* here propounded is quite insufficient to account for the growth of the vast ceremonial of the Sunna. There exists, it is true, an enfeebling and deteriorating element in the human mind, always prone to rites and ceremonies. But it is as strong in the Western as in the Eastern nations; perhaps, indeed, stronger,—

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\* See No. XXXVII. in the previous series of this *Review*, pp. 11 and 12.

† "Die Orientalen, besonders die Perser, fühlen ein viel grösseres Bedürfniss nach etwas Positivem als wir, und sie wünschen nicht nur über eigentlich religiöse Dinge, sondern auch über Civil- und Criminal-gesetze und Gewohnheiten des Lebens, Z. B. wie man essen und trinken, wie man sich kleiden soll, von Gott ausgehende Weisung." Vol. III., p. lxxvii.



for the Church of Rome has gone far greater lengths in this direction than the Eastern Churches. Even with Protestants, who had apparently clean escaped from subjection to human ordinances, "touch not, taste not, handle not, which all are to "perish with the using," we must sorrowfully confess that it needs but little to turn multitudes "again to the weak and "beggarly elements, whereunto they desire again to be in "bondage,"—a mock and ossified counterfeit of the living Faith!

Indeed, it was not the bent of the Asiatic mind, but *the spirit and system of the Arabian Prophet*, which developed the Sunna; just as it was the ceremonial element in the Mosaic law which, exaggerated and distorted by the legal letter-loving spirit of the Jews, led to the endless washing of cups and pots, the tithing of mint and cummin, and all the mazes of rabbinical tradition. Unlike the Christian Scripture which, prescribing principles, leaves their application to the circumstance of the day and the conscience of the individual, the Coran contains minute instructions on rites and ceremonies, and on social and domestic obligations. It was the ceremonial spirit of Mahomet and his Coran, which stamped its formal and ritualistic impress on the Moslem world, and thus gave rise to the Sunna. After the Prophet's death, new relations and contingencies were continually arising, for which the Coran had provided no directions: conquest and growing civilization added daily to the necessity for fresh rules, and for new adaptations of the old. To supply this need, resort was had to the actual or supposed teaching and practice of the Prophet; these were eagerly sought after from the lips of the companions of the Prophet, or of any who at second hand could trace a tradition to one of those companions; and thus by the aid of analogy and of fictitious traditions, was provided an exhaustive treasury of precedents for every possible case.

It is true that Mahomet himself never claimed for his own opinions or actions, infallibility. But if he erred on any material point, a dream, an intimation from Gabriel, or a verse revealed for the purpose, was supposed to correct the aberration; so that as Sprenger shows, the aberration was in point of fact only temporary. He might have added that the memory of the Prophet was soon encircled by a Divine effulgence which he never anticipated; and that his commonest sayings and minutest actions became thus invested with a celestial sanctity which he would probably have been the last himself to countenance.

Sprenger thinks that the Moslems of the earliest era were freer and bolder than those of later times in expressing their views, and in interpreting the sayings of Mahomet according to the

spirit rather than the letter. This may be doubted. The thralldom of Islam was as powerful, the sword of its inquisition as sharp and prompt, in the days of Omar the companion of Mahomet, as in those of Omar II. The truth seems to be that every day narrowed the field of subjects open to discussion, and on which new traditions could be advanced. Judgments professing to proceed from Mahomet, or to be founded on principles enunciated by him, were gradually framed and promulgated for every case transpiring in the daily concerns of life. The system became fixed and stereotyped. And, moreover, the companions of Mahomet, who alone could authoritatively declare his judgment, one by one dropped off from the scene : and hence the greater creative freedom and freshness of the earliest era.

A few examples will illustrate the origin and growth of tradition. Mughîra laid claim to a certain property on the strength of an utterance attributed to Mahomet. The Caliph, Abu Bakr, refused to admit the claim until the statement was corroborated by witness. Ibn Maslama testified that he had heard the prophet utter the decision, whereupon the Caliph gave judgment in Mughîra's favour. Again, during Mahomet's lifetime, Sobaya lost her first husband ; and, shortly after, began to deck herself out in a manner which publicly implied that she already entertained thoughts of attracting a second. A discreet and pious Moslem, scandalized at her conduct, told her that she must tarry four months before she could think of another marriage ; but she, thinking this unreasonable, repaired to Mahomet, who confirmed the precept. When, after the Prophet's death, people began to gather up his sayings, a certain collector of tradition wrote to a friend to visit Sobaya, and record from her own lips an exact account of her interview and of the Prophet's precept. On one occasion, Mu'avia, while engaged in the Syrian campaign, referred a doubtful point connected with the rules of warfare to Ali, as the person most conversant with the views of Mahomet. So likewise, the son of Abbâs, a renowned traditionist, was consulted on the question whether women and slaves accompanying the army were entitled to share in the booty ; his decision, based on the analogy of the Prophet's practice, was that as women and slaves used to be present for the care of the wounded, they had grounds to expect a gift as of favour, but possessed no legal title to a share. Such are specimens of the way in which tradition, direct and by analogy, grew up.

Each tradition is in a separate independent form. It consists, simply, in a statement of the Prophet's dictum or his act ; in the question and his reply ; or in a brief narrative of the conversation,

or action which constitutes the precedent. It is given in the direct-form of speech, on the authority of the Companion who is the witness; and the names in succession of each of the chain of witnesses through whom it has been handed down, and who vouch for its authenticity, are carefully prefixed. In process of time this string of authorities becomes, of course, very long, until it stops at the period when, as we shall see, a written record of the tradition and its authorities superseded the system of oral communication.

According to Sprenger, tradition as a regular science, was developed by the civil wars which broke out upon the murder of Othmân. These, at any rate, imparted to it the powerful impulse of faction; and the force of that impulse will be understood if we remember that the prize in contest was no less than the Caliphate itself. Each party anathematized the other, and based its denunciations upon the authority of the Prophet. The faction that followed Ali held him and his successors in the Imâmship to be as infallible as the Prophet. Their opponents, on the other hand, acknowledged but two sources of infallible authority—the Coran, and the precept or practice of Mahomet. To place the certified precedents of their Prophet upon an authoritative basis, and to preserve them from the possibility of any unauthorised additions, this party reduced tradition to a fixed form,—the “Sunna;” and by that and by the Coran alone they are guided. Hence their name of Sunnie.

The rapid and exuberant growth of tradition is truly marvellous. Sprenger thinks that the collection of traditions was not taken up as a regular profession till A. H. 40, or about thirty years after the Prophet's death. From the “Companions” who died before that time only such traditions were preserved as the contingencies and requirements of the day called forth in the way of precedent for direction. But after that time, while everybody continued more or less a tradition-monger, it became the special business of a class of men to record from all quarters whatever recollections of the Prophet still lingered in the memory of the people. Mecca and Medina were ransacked of course, and every spot, however distant, was visited in the hope of meeting some one from whom the fragment of a reminiscence might be gleaned. We have consequently a much greater body of traditions from the “Companions” who survived to this busy time, than from those who died before it. Abu Horeira (d. A. 58), himself a “Companion,” collected no fewer than 3,500 traditions regarding the Prophet from the lips either of eye-witnesses or of those who had received them from eye-witnesses.

At such a distance of time, there could be no great scrupulousness or exactitude either as to the expressions or the subject-matter thus handed down. Penetrated by an irresistible fanaticism, the traditionist "placed subjective truth far higher than objective." It was the ideal of the Prophet and the glory of Islam which tradition set forth, rather than any accurate and historical statement. At all events, it was only those reports which coincided with the spirit of Islam that maintained their currency; and hence we find tradition to be necessarily partial and one-sided. The strife of party, it is true, acted to some extent as a check upon mis-statement, but only in so far as party was concerned. In the glorification of the Prophet and exaltation of Islam, all were interested, and all were agreed.

One cannot fail to be struck by the uniformity of style and construction which pervades the whole mass of tradition. The form and type throughout are the same. Sprenger thinks this remarkable similarity to be the work of the professional traditionists, who shaped and *formularized*, according to the recognized model, all the traditional matter which fell into their hands. Thus, an imperfect fragment would be set in the popular frame of question and answer; or the prolix story of some aged descendant of a "Companion" would be compressed and dressed up in the proper shape. Then, as open points of usage or law from time to time came forward for settlement, these would be reduced into the proper form, and the question put to every person likely to have traditional cognizance of the matter.

By the end of the first century of the Hegira, our author thinks that by far the greater part of the traditions of the Mahometan world were already in the hands of the professional traditionists, and had been formularized by them. But each collector, as yet, possessed a comparatively limited number. By degrees the separate stores were brought together, and in the course of the second century, these rills converging from all quarters, formed the mighty stream of tradition. Men still compassed sea and land in search of something new; and here and there one might have the good fortune to light upon a fresh tradition. But as time rolled on, these sources dried up. The competition and jealousy of the traditionists subjected new matter to the severest tests; and if a recently found tradition broke down under the scrutiny, the propagator lost his character for veracity. It was thus that Ibn Ishâc and others fell into disrepute among their contemporaries.

Tradition, as above described, is not confined to the life-time of Mahomet. The childish habit was contracted of putting the relation of all facts, however trivial, into the popular form of a

tradition with its string of authorities; and there is consequently a great mass of tradition on the early history of Islam subsequent to the Prophet's death. Excluding this, and confining our view solely to matter that belongs to the life-time of Mahomet, it is remarkable that the original sources, the recognized *Sheikhs* or fathers of tradition, are comparatively few, and great numbers were rejected by the collectors as inadmissible. Thus Hâshid (d. 258) relates that he had heard the recitals of 1,750 *Sheikhs*, but adopted in his collection the traditions of but 310; he had collected separate traditions to the number of one million and a half, but accepted only 3,00,000. Wâckidi, again, amassed probably a couple of millions, but the number of *Sheikhs* he relied on was small: setting aside repetitions of the same occurrence, he retained in his collection not more than some forty thousand traditions, of which perhaps not more than half are genuine; and even of these, many relate to one and the same subject-matter.

The distinguishing feature of Mahometan tradition is, that it was essentially *oral*. Even if committed to writing, the tradition acquired no new authority from the record: it must still be transmitted by word of mouth, the record counting absolutely for nothing. The canons of tradition formed a distinct science, and had a literature of their own. It was found necessary to relax the strict Mahometan law of evidence in its application to tradition: thus, a single credible witness sufficed if the links of oral transmission were otherwise complete. An exception was made in favour of *epistolary* communications, which at a very early period were admitted as trustworthy without oral attestation; but under all other circumstances, that test was rigidly insisted upon as essential to the validity of each step in the transmission. Thus the possessor of the notes or memoranda of a *Sheikh* could make no recognized use of them, unless he was able to say that they had been *orally* vouched for by the writer of the manuscript; and indeed the entire rehearsal of each tradition either by the person transmitting or the person receiving it, in the hearing of each other, was insisted upon as an indispensable test of trustworthiness.

Where the traditions of a Companion are handed down in various different channels, we have the means of testing the accuracy of transmission. Thus Abu Horeira had 800 pupils to whom he communicated his learning, and several of whose names survive in the traditional chains; now, since some of these lived at a period when it was customary to commit tradition to writing, we have, by comparing the text of the same tradition by different authorities, a strong guarantee that the words of Abu Horeira

himself have been exactly preserved. But this cannot be said of the most of the Companions who were the youngest and survived the longest. There was among them great latitude for fabrication. A collector of tradition often stood in a specially intimate relation to some one of the Companions, as Orwa to Ayesha, Ikrima to the son of Abbās, Abu Ishāc to Barā ; and was almost the sole medium for transmitting the traditions of the Companion to whom he was thus attached. Such monopoly was no doubt often greatly abused ; and from the nature of the case there was no means of checking it. The seclusion of the harem also exaggerated the evil ; and Sprenger is of opinion that Orwa, for example, has recited many a tradition on the authority of Ayesha which she never dreamt of. The traditions, emanating from such suspicious sources, were sometimes found to run counter to the received and orthodox views ; and hence the canon that no *ahād* (ἀπαξ λεγόμενα one might call them), or traditions vouched for by a single authority, were to be received. But history lost more than it gained by such arbitrary exclusion : for whenever a tradition of this nature was (like the *mirāj* or heavenly journey) in conformity with the spirit of the age, other authorities were easily forged for its support ; while important facts, if discreditable to the Prophet's memory (as "the relapse" into idolatry), or opposed to received dogma, were dropped out of sight and lost. Happily, the biographers did not hold themselves bound by the strict canons of the Sunna ; they have preserved traditions sometimes resting on a single authority, or otherwise technically weak, and therefore rejected by the collectors of the Sunna ; and they have thus rescued for us not a few facts and narratives of special interest, bearing internal marks of authenticity.

Sprenger next discusses the important question of the time at which tradition began to be reduced to writing.

First, as to the material. Egyptian paper, though freely exported to Constantinople, could have been little known in Arabia, at all events not in sufficient quantities for ordinary use. We read in the "Fihrist" that the flax paper of Khorasan was introduced under the Omeyyad or the Abbasside Caliphs. "In the first century, the Moslems wrote their memoranda upon tablets of wood and slate ; for more permanent records, they made use of leather and parchment." The gazelle skin, tanned in early times with unslaked lime, was hard and stiff. Later, at Cûfâ a preparation of dates was used, and the parchment thus manufactured was white and soft. By this test, the antiquity of the very early MSS. (such as

the exemplar of the Coran at Homs) can be satisfactorily ascertained. The writing was often washed off, as in the case of early classical manuscripts, to make way for more recent compositions; and many valuable works have thus been lost to us.

The traditions which ascribe to Mahomet a prejudice against writing, appear to have no good foundation. They originated, no doubt, in the circumstance that he himself had little, if any, knowledge of the art. It was the pious fashion to follow his example and practice to the minutest particular; and hence Ibn Masûd, Abu Horeira, and others of the more scrupulous believers, hesitated to commit the Prophet's sayings to writing, and the report of his having forbidden the practice thus gained currency. On the other hand, we have evidence which makes it highly probable that even during the lifetime of Mahomet, there were persons who kept up memoranda of his utterances. At any rate there is frequent notice of the custom shortly after his death. Thus we find mention of the son of Abbâs (the uncle of Mahomet) having left behind him a camel load of manuscripts, from which both Ikrima and Ibn Ocba made copious extracts. Ali copied out certain precepts of the Prophet regarding the ransom of prisoners, &c., and, in order to have them constantly at hand, tied the roll round the handle of his sword. Another hero made use of his boot as a receptacle for the same purpose. It is related of an early collector of tradition, that he carried about with him a port-folio filled with pages of leather; and the famous Zohri, when other material failed, made notes of what was told him upon his yellow boots, and copied them out in order afterwards. The practice increased so rapidly that towards the end of the first century, Omar II. (with a view analogous to that which induced Abu Bakr to direct the collection of the Coran) issued orders for a complete compilation of all recorded traditions; but he died before the work was accomplished. According to the strict canon of the Sunna, the object of written collections was not to supersede, but only to assist, the *memoriter* preservation of tradition; for oral repetition was still the inexorable rule. Indeed, the prejudice against recorded collections even yet ran so high, that instances are given of collectors committing their treasures to the flames (not without regret when the loss was found irreparable), or leaving instructions to their executors to destroy them after their death. Still the superior check and authority of a record must in practice have gradually superseded reliance on the unassisted memory. Collections of the earlier traditionists fell sometimes into the hands of later authors, and

we find Wäckidi and others making use of these treasures in a manner inconsistent with the canons of the Sunna.

Sprenger states the following as the successive stages of record :—(1) notes or memoranda ; (2) school or college collections ; (3) regular books. Our previous remarks refer exclusively to the first, that is, notes professing to be used simply for the refreshment of the memory. Towards the end of the first century, the second class, or school collections, began to be in vogue. Orwa and Zohri, for example, used such records in their prelections. The pupils were at liberty either to trust solely to their memory, or to make copies of their master's collection ; but so rigidly was the oral canon still followed, that the copies thus taken had no authority until they were first rehearsed by the scholar in the hearing of his master ; and the date of each rehearsal (عرض) was usually noted upon his manuscript by the copyist.\*

The third class of documents, answering to our *published books*, was of much later rise. A Mahometan authority tells us that Ibn Jureij and Ibn Abi Rabia, who both died about the middle of the second century, "were the first who wrote "books." Mussulman writers themselves understand this passage as asserting, that these persons were the first to make use of manuscript tradition in any shape. But this appears a mistake: the simple meaning being that these were the first to put forth "books," or collections of tradition *which carried their own authority with them*, the condition of oral repetition being no longer required. It had become a question of accuracy of manuscript and edition ; no longer pure accuracy of recollection.

The use of books gradually displaced the old and cumbrous system. But the prejudice against them lasted so long, that at the end of the second century we meet with aspersions cast on authors who made use of manuscripts wanting the stamp of oral tradition. With just severity Sprenger comments on the childish pedantry which for two centuries clung by the absurd paradox that memory was a more trustworthy authority than a written instrument. Yet this much excuse may be urged, that without an oral attestation at each step in the tradition, there would have been absolutely no guarantee whatever against forgery and interpolation.

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\* The collections were generally in "parts" (*juz*) of 40 pages, each of which could be read at one sitting ; the date of the rehearsal being entered in the margin. The earliest instance we have seen of such rehearsal, is an old MSS. of the secretary of Wäckidi, which gives the date of reading of the original copy at 146 A. H.



Even when books came into vogue, the collection of a master was freely subject to alteration at the hands of his pupil, who, performing as it were the functions of an editor, selected or omitted passages at pleasure, and even added (but always with his name) new matter of his own, and sometimes collections of fresh traditions from other sources. The work, notwithstanding these alterations, was still known under the master's name. It is thus that we find the different versions of such compilations as that of Bokhâri to vary both in the number of the traditions, and in the subject-matter. It is also sometimes not easy to trace the original work from which quotations are made. Tabari, for example, who composed his annals almost entirely of extracts copied *verbatim* from previous collections, makes little mention of the *author* from whom he borrows: it is the name of some obscure Sheikh under whom he read the work, which, under the pedantic rules of tradition, figures as his authority; the name of the real author (Ibn Ishâc for instance) appearing in the middle of the long string of vouchers, as a mere link in the transmission. When he had read a collection under more than one Sheikh, he makes a parade of his learning by quoting now under the name of one, and now of another. And to carry the system to the extreme of absurdity, where he had read only part of a work with a master, he quotes the part he had not so read under the fiction of a *letter* from his Sheikh; letters being admissible on evidence, but not a manuscript or book!

Towards the end of the second century, a crowd of systematic collectors of tradition sprang up with the view of fixing the Sunna doctrine. Tradition not unfrequently contains statements at variance with one another. Inference from analogy (*kyâs*) here came into play: among differing traditions, that one was adopted which symbolized most closely with the axioms of the collector's theological school. Thus each school had its special collections (*Musnad*), composed of a selection of those traditions which best supported its tenets. One of the earliest is that of Muâtta, who died 179 A. H. Besides traditions, these works contain the opinions of the author, expressed in the form of brief decisions which, though primarily directed to legal or theological questions, have sometimes also a material bearing on the province of history.\*

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\* The received collections of Shâfi (d. 204), Abu Hanîfa (d. 150), and Ibn Hanbal (d. 234), represent the views of so many different schools. Prior to these, it will be understood that although the different sects had their special collections, they were confined to notes and memoriter traditions. In Bokhâri, on the other hand, and in the other *general* collections, we have

While theologians thus selected traditions with a special view, thousands of traditionists were busy in making collections with little or no specific purpose. Their object was simply to amass together as many traditions as they could, and for a long period they were guided by no fixed critical rules.

Bokhâri was the first of the general collectors to adopt rules of (so-called) critical selection: he proposed to himself the task of confining his collection to "sound" or authentic traditions.\* He was moved, it is said, to this duty by a dream in which he seemed to be driving away the flies from Mahomet, and which was interpreted to signify that he would dispel the "lies" which clustered around his memory. The canons which guided him, however, hardly deserve the name of criticism. He looked simply to the completeness of the traditional chain, and the character of the witnesses composing it; and one of his rules being also to refuse every tradition at variance with his own ideas of orthodoxy, it does not follow that any statement rejected by him is really untrustworthy. His collection differed from the "Musnads" in not having respect to any school of theology, but solely to the character and supposed *soundness* of the traditions. It also took a wider range and embraced statements on the exegesis of the Coran, the ancient prophets, the campaigns, &c. It contains 7,275 separate traditions; or, excluding repetitions, somewhere about 4,000.

The great rival of Bokhâri is his pupil Muslim, whose object it was to complete and improve his master's collection by adding fresh traditions and new chains of authorities. His work thus contains some 12,000 traditions, but if we exclude repetitions, the contents hardly exceed those of Bokhâri; the arrangement however is better, and hence the collection more valuable. Bokhâri is the standard authority in Asia and Egypt; Muslim in Northern Africa, and formerly also in Spain. Four other collections, but of less authority, are recognized by the Sunnies, making the canonical number altogether six.† There are many others, but these only are authoritative.

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all these traditions, and others of a general character, the whole being collected indiscriminately and without reference to the tenets of any theological school. By a comparison of the different collections we can trace the variety of theological views, and the history of dogma; and this enquiry Sprenger thinks necessary to a correct conception of the intellectual efforts of each age.

\* When we speak of "criticism", it must not be supposed that there ever was any such in the strict sense of the term. That was stifled by the blind and intolerant teaching of Islam. Any attempt at the free exercise of reason and common sense would have been cut short as impious apostacy by the sword.

† The minor collections are those of Abu Daûd (d. 275); Tirmidzy (d. 279); Nasar (d. 303); for the fourth, some adopt Ibn Mâja (d. 273)

To the *Shia* collections, Sprenger devotes but half a dozen lines. He justly describes them as of little worth. The *Shia* collectors began the work later than the orthodox party; they also hold Ali and the *Inâms* (successors of Ali) as infallible, and their precepts as sacred as those of Mahomet himself; and "they have at all times sought to bolster up their doctrine "by lies and falsehoods." Sprenger is a decided *Sunnite*, and his language is strong; but to one familiar with *Shiite* tradition, it can hardly be called unjust.

We come next to the BIOGRAPHERS. In many respects Sprenger does them justice; but, upon the whole, we shall find that he entertains a strong prejudice against the class.

We have already seen that, not being bound by the stringent rules of the *Sunna*, the biographers have preserved to us interesting narratives and valuable clues to the truth, which the professional collector cast aside because they did not answer to the technical requirements of traditionary evidence, or square with his own theological notions.

Another distinguishing feature of their writings is, that they often supply us with a connected narrative, to produce which the traditions on which it rests are fused into one another, and the authorities for the whole given at the beginning. This, however, is not always the case; the greater part of *Wâckidî*, for example, is composed of traditions each with its separate string of authorities, and with the same formalities as in the regular collections.

Some of these consolidated narratives take the form of an Episode or Romance; and Sprenger, though perhaps pushing his theory too far, has given us an ingenious clue to their origin. It is the practice of the Moslem world, during the first ten days of *Rabî I*, the month in which Mahomet was born, for the faithful to meet in their family circles, and listen to recitals of his birth, miracles, and death. In opulent houses there is often retained for the purpose a professional bard, who repeats his story from memory, or extemporizes it in the style of the ancient rhapsodists. To aid the reciter, we have a mass of popular works, the most noted being that of Bakry (A. H. 763). They are called, *Moulad-sherîf*; one of these, written in the

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others Ibn Khozeima (d. 311). Besides 'sound' traditions, these contain likewise statements based on 'tolerable' authority: they also busy themselves more with theology than the two leading authors. Of the various non-canonical collections, some profess to be supplementary to Muslim and Bokhârî, others aspire to give exhaustive collections of their own.

Oordoo language, was reviewed in this periodical.\* They are filled with childish tales, and resemble fiction so much more than history that, as remarked by a Mahometan writer, they abound with names of persons, places, kings, and kingdoms, which never even existed.

We do not know when these annual recitations commenced; but we are assured by Kazrûni that the festival of the birth of Mahomet has been celebrated from the earliest times. Now, if we compare, for instance, the narrative of the Prophet's childhood, especially the "charming idyl" of the nurse Halîma as given by Ibn Ishâc, with the most ancient models of the "Moulad-sharîf," we find the same spirit and style pervading both, the later being merely a development of the older. And this again points back to the still earlier rhapsodies made use of by the biographers. "I doubt not," says Sprenger, "that 'Ibn Ishâc's narrative has been derived from the earliest" (Moslem) *Gospels of the Infancy*."

Such works unveil the early tendency of the Moslems to glorify their Prophet, and are compiled on Shafy's maxim,—*"in the exaltation of Mahomet, to exaggerate is lawful."* This principle is conspicuous in the culminating legend of the "heavenly journey,"—the grand proof to the credulous believer of his Prophet's mission. It originated at the same period as the other legends,† possibly a little later; and it can be traced up in almost identical expressions by distinct traditional channels, to three of the pupils of Anas, the servant of Mahomet; we have it, therefore, in almost the very words in which a contemporary of the Prophet used to recite the story.

To while away the time by repeating tales has always been a favourite recreation in the East; and to this practice Sprenger attributes the episodic form of many passages in the life of Mahomet. The habit survives in the professional storytellers who, in our own day, recite romances like that of Antar, with a histrionic power for which, compared with that of European actors, Sprenger avows his preference. These romances are committed to memory, and, as occasion requires, repeated

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\* No. XXXIV. (first Series), pp 404 et seq.

† Sprenger holds that we can often fix the period of the origin of a tradition by the class of persons it was intended to edify;—thus, predictions and prophecies were invented for the Christian; stories of genii, idols, and soothsayers, for the Arab heathen; announcements regarding Chosroes and the East, for the Persians, the advancing limits of the kingdom of Islam requiring suitable evidence for each people. The argument is not worth much. The real evidence of Islam was the sword. Legend grew up around the Prophet naturally, as the halo round the pictures of our Christian saints.

in a shorter or a longer form; but, however varied, when the expressions are compared with the original model, there is found a substantial agreement.

And so we may suppose it to have been with the leading passages in the life of the prophet. His infancy, the heavenly journey, the deputations from Arab tribes, the fields of Badr, Ohod, and Kheibar, his death-bed,—each formed, apparently, a separate episode, amplified by the rhapsodists who had learned the outline; till in the course of repetition it gradually acquired a shape that symbolized with the spiritual requirements of the day, and like the tale of *Antar* became stereotyped; and thus assuming the form of a tradition, was handed down with the usual string of authorities. These episodes, Sprenger thinks, were for the most part not wilful falsehoods, but the invention of a “playful fantasy,” which filled up with bright and suitable colouring the ideal outlines of the Prophet's life. Cast in a poetical mould, animated by the dramatic effect of dialogue and sometimes of verses put into the speakers' lips, they contain, he thinks, as little basis of fact as the mere romances of the pseudo-Wäckidi. Indeed, the narratives relating the miracles of Mahomet, which are told with all the gravity of an eye-witness, Sprenger designates “as little less than wilful lies.”

Of such essentially worthless and spurious material Sprenger asserts that the biographies are almost entirely composed:—

“This narrative (the tradition of the heavenly journey) gives us an idea of the trustworthiness of the dogmatic biography. I need only add that these legends have supplanted nearly all authentic reports of the life and struggle of Mahomet prior to the flight. The only real historical material consists of personal narratives regarding his followers.” Vol. III., p. lviii.

“After these remarks, if we read the book of Ibn Ishâc, which my sagacious predecessors with some pomp cite under the title of ‘the most ancient source,’—as if this could satisfy criticism,—we find that with the sole exception of the ‘Campaigns,’ it contains almost nothing but the legends and historical romances of the first century. Such traditions suited so well the author's taste that, even when he was possessed of better information, he preferred them. His love for invention and his disregard of the truth ruled so strongly, that he embodies in his work verses which one of his friends put into the mouth of an actor in the scene.” In a note, Sprenger tells us that he cites the example of Ibn Ishâc, as being the earliest of the biographers; and that even Ibn Sad (the Secretary of Wäckidi), indulges in similar legends, each with its proper string of authorities.” *Ibid.*, p. lxi.

Again:—“Legends, elaborately composed episodes, and marvels, form the sole matter which, during the first four or five decades after Mahomet's death (i.e. to A. H. 50 or 60), were formularized out of the history of the Prophet.”

And, once more, speaking of the *Campaigns*: “These form the kernel of the chronological history of Mahomet, and constitute almost the only historical material furnished us by the systematic biographers, such as the *Wäckidi*.”

Now these views appear erroneous and misleading in several respects. They altogether ignore the merit and value of the biographers, in other places fully admitted by Sprenger himself. It is not the case that their works are entirely composed of legend and romance, to the exclusion, or nearly so, of fact. The marriage of Mahomet, the birth of his daughters, the persecution and consequent flight to Abyssinia, the Prophet's "lapse," the ban and its cancelment, the death of Khadija and Abu Táleb, the marriage with Sauda and betrothal to Ayesha, the visit to Táyif, the meeting with the citizens of Medina and the contract made with them;—surely these and many other incidents, all prior to the Flight, are based on fact and not on legend. The truth appears to be that the biographers made use of whatever material they found to their hand, and, free from the shackles of the Sunna, they adopted the episodes and legends with the rest; but, far from confining themselves to these, they constrained into their service every kind of tradition pertinent to their subject: and Wáckidi and his Secretary are specially commended elsewhere by Sprenger, for their diligence in the collection of traditions, and care in verifying them by the requisite authorities. Like the whole race of early Mahometan writers, the biographers endeavoured (and that not seldom by questionable means) to glorify Mahomet and magnify Islam; but there is no reason to doubt that otherwise they sought honestly to give a true picture of the Prophet; that while they admit some legendary tales excluded from the Sunna, their works are to a very great extent composed of precisely the same material; and that they are, moreover, less under the influence of theological bias than were the collectors of the Sunna.

Further, in respect of the episodes themselves, these are not always absolute fictions as represented by Sprenger. The repetition by rhapsodists of "mere phantasies," is a theory which will not account for the uniformity, both as to subject and expression, which we find in the different versions of the same episode. The story, he says, was repeated over and over, till at last it assumed a form suitable to the spiritual requirements of the age, and then it became fixed in that as its permanent form. But the efforts of mere fancy would not of themselves crystallize into any such uniform shape; rather, repetition in different lands, and by various rhapsodists, would produce an infinity of form and colour. To account for the sameness of the episodes we must assume something common in their origin.

The common material was no doubt what it professed to be,—the statement of one of the "Companions." Indeed, as respects the "heavenly journey," the most extravagant of all the episodes,

Sprenger has satisfied himself (as we have seen) that it can be traced back to the very narrative of Mahomet's own servant; and he deduces the conclusion that early origin affords no criterion of a story being founded on fact.\* On the contrary, we hold that early origin does afford a strong presumption that there was at bottom an element of fact,—a kernel of reality,—small it may be, but still real, which devotion has seized on as a centre around which to cast its halo of the marvellous and supernatural. That there is such a nucleus even for the heavenly journey, *i. e.*, for Mahomet's having told a story of the kind, is proved by the mention of it in the XVII. Sura, and by the scandal occasioned thereby at the first even among his own followers. And so with the tales of the miracles of Mahomet, —puerile fabrications as they evidently are,—we can generally trace in tradition some real incident on which they were engrafted, which prompted the idea, and which gave to fancy a starting point for its fairy creations and illusive colouring.

The early date at which an episode took fixed shape must afford a certain measure of security that the tale it tells is not altogether legendary. It proceeded from a witness more or less acquainted with the real facts, and it was promulgated in a manner which challenged contradiction from other competent witnesses. It is true that the whole Moslem world was impelled by the same tendency to magnify Mahomet without regard to reason or consistency: none would have dared to question a miracle for its inherent improbability, or on a critical exposure of the insufficiency of the evidence: the attempt at so dangerous a precedent would have placed the critic in jeopardy of his life. So far, then, as relates to the exaltation of the Prophet, there would have been none to question. But almost every tradition is connected at some point with an individual, a family, or a tribe, whose memory was affected for good or evil by the story. And here the factions and jealousies which pervaded Mahometan society would come into play as an important check upon any deviation from the truth. We may be very certain that no tradition affecting Abu Sofîân or Abbâs, Othmân or Ali, would escape narrow criticism in so far as these were concerned. And since every communication with Mahomet handed down by tradition, casts a halo of light around the Companion so honoured, we have in this fact alone a very important restraint upon the license of legend and episode,—a restraint effective in proportion to the earliness of the period at which the tradition first took fixed shape.

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\* Vol. III., p. lix.

In point of fact it is generally possible, with more or less of certainty, to separate the grain of fact from the husk of overlying fiction in which it has been handed down; and through the divine effulgence encircling the prophet, to distinguish, dimly it may be, but yet with some assurance, the outlines of the man.

From this digression we return to trace the development of the biographical writings. The study of the Sunna had already broken ground in this direction, when in the second half of the first century we find persons prosecuting enquiries into the events and chronology of the Prophet's life. Orwa, born within 14 years of Mahomet's death, a near relative of Ayesha, and a copious narrator of her traditions, was the first who systematically attempted the task. We have remains of his letters on the subject; but it seems doubtful whether he wrote any regular treatise. We next meet with his pupil Zohri and *some others who died early in the second century, engaged in the same work*; more particularly Zohri attempted the task of writing the history and arranging the order of the campaigns of Mahomet, which formed a separate subject of study, and which, as we have seen, Sprenger holds to be the only reliable portion of the biographies. From the public character of the Prophet's warlike undertakings, it is natural to expect that they could be ascertained with more exactness and detail than matters affecting his ordinary life. Yet even in the campaigns, there is abundance of romance: and many episodes regarding the battle of Badr, for instance, or the exploits of Ali at Kheibar, bear to the full the marvel-loving stamp of the rhapsodist.

The first regular biography of Mahomet of which we have any notice is that by Ibn Oeba (d. 141), but it is not extant. Many others followed. The earliest which remains to us is by Ibn Ishâc (d. 151), and this we have only in the corrected and amplified version of Ibn Hishâm (d. 213). In a former part of this periodical, an account has been given of these early biographers;\* it is, therefore, unnecessary here to do more than extract the opinions of Sprenger on the value to be attached to the works of Wâkidi and his secretary, Ibn S'ad.

"Wâkidi was born at Medina, and died in Baghdad, A. H. 207 (A. D. 803) aged 78. He spent in the purchase of books 2,000 dinars, and he had two slaves constantly employed in copying manuscripts. He left behind him 600 chests full of books, each requiring two men to lift it. With such rapidity had traditional literature increased. . . . He possessed dozens of versions of one and the same tradition, and these he arranged in chapters under appropriate headings.

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\* No. XXXVII (first series) of this *Review*.



"To turn this mass of tradition to advantage, Wäckidi set about the sifting of the mass. The plan of his work consists of biographical notices arranged in chronological order, and embracing all traditionists of note up to his own time. The latest he mentions is Muâvia, whom he met on a pilgrimage. It is related of each traditionist, with what persons he came in contact, and from whom he received and propagated traditions, and the reliance to be placed in him.

"Wäckidi chiefly occupied himself with the biography of Mahomet, and he applied a new style of criticism to the work. He wrote various monographs on special subjects connected with the prophet's life:—one on his divine mission, a second on his wives (extracted by the Secretary), a third on the chronology, and a fourth on the campaigns, which last is still extant.

"The criticism of Wäckidi does not consist in the collation of existing works, or in the endeavour to amplify and correct these by the help of new material. Neither Wäckidi nor any other writer of the time was addicted to the use of reason and argument. The sole ambition of each was to collect the largest number of traditions, to transmit them with exactness, and at the most, after presenting a number of conflicting statements, to add,—“according to my view, this or that is the best grounded:” most give no judgment at all, leaving that to their reader.

He seems to have taken as few traditions as possible from the Sunna, and even of these he gives other versions resting on independent authorities. His great learning enabled him often to assign ten different authorities for a tradition, and perhaps as many varying texts of the same; and to supply many interesting anecdotes which had escaped Ibn Ishâc and his other predecessors. If we admit that he was not always fair or honest, it must be added that his principles were those of an impartial and scientific criticism; and that his zeal and method succeeded in bequeathing to us an important means of forming a judgment on the value of our original authorities."

Of his secretary, Ibn S'ad, who died A. H. 230, Sprenger thus writes:—

"He improved the arrangement of his master's biographical works, and after abbreviating them and supplying deficiencies, he published the whole, under the title of *Tabacât*, in 12 (or 15) large volumes. His biography of Mahomet, which occupies the greatest part of the first volume,\* is the most solid work we possess on the subject. The "Campaigns" form a separate chapter, devoted exclusively to the wars of the Prophet. He departs here from his usual practice of citing with each tradition, the string of authorities on which it rests; he contents himself with stating in the introduction, that his authorities for the whole chapter are Ibn Ishâc, Ibn Ooba, and Abu Mashar, and then he pursues his narrative without again quoting their names. Thus he practises in this part of the biography historical composition in our sense of the word. The multitudinous different reports had been before him already duly weighed, contradictions reconciled, the dates fixed by computation, and the whole narrative put on an independent footing. Following Wäckidi almost exclusively, he appears to use the other three authorities only by way of check. His master's text he condenses in a masterly manner, and introduces here and there valuable geographical notes. At the close of the sections which narrate the most important expeditions, he cites such traditions as had escaped Wäckidi and his other predecessors;

\* A valuable manuscript of this volume is extant in India. It is described in Art. XXXVII., of this *Review* before quoted.

—some of these contain new matter, others are merely variations, or old traditions supported by better authorities than those already known.

"The chapter of the most value for us is that on the "Deputations." The chief authority here relied on by Ibn Sad is Ibn Kalby (d. 146), the Commentator, but Wâkidi is so constantly referred to, that we may presume he wrote a monograph on this subject also. This chapter, and indeed the Secretary's whole work, excepting the "Campaigns," resembles closely in its composition the Sunna; the authorities for each tradition are recited with the same punctiliousness of detail, his own opinion being rarely given, and then in an extremely short form. The greatest portion of the materials is taken from Wâkidi: but many very valuable traditions of his own collecting are added by the Secretary.

"According to the canons of traditional criticism, Wâkidi is reckoned untrustworthy, partly because he was not orthodox (he inclined to the Shia doctrine), partly because he was uncritical in the choice of his authorities, and not himself invariably true. His Secretary, Ibn Sad, on the contrary, is held so trustworthy that many adopt the traditions of Wâkidi only when attested by his pupil,—quoting in this way:—"the following is from "Wâkidi, supported however by Ibn Sad." He seems thus to have sifted the materials collected by his master, and in the process no doubt cast much aside.

"The merit of Wâkidi and his Secretary does not in the least consist in their rejection of legendary matter, or in their narrative having less the colour of the age than that of Ibn Ishâc. If they put aside certain improbable traditions, because founded on no better authority than Ibn Ishâc, they have, on the other hand, embodied many legends which escaped that author, and given new authorities more ancient than Ibn Ishâc himself, for many of his stories. Their real worth consists chiefly in the additional matter which they supply. By giving (which the Sunna-collectors also do) the more ancient and rudimentary versions of the legends, they aid us in searching out their origin, and thus enable us to demolish the dogmatic biography." III., p. lxxvi.

We are now in a position to receive with some reserve the conclusion of Sprenger. "According to my judgment," he says, "*the Sunna contains more truth than falsehood, the Biographies more falsehood than truth.* Further, the numberless versions (in the former) of one and the same tradition, serve as a means of criticism. Hence I hold the Sunna, after the Coran and the (copies of) original documents, to be the most trustworthy of our sources." III., p. civ. But the main difference, as we have seen, is, not that the collectors of the Sunna brought into play more reasonable and efficient canons of criticism than the biographers; but that they made use of their technical and unreasonable canons in a more servile manner. The less stringent rule of the biographers, while admitting, no doubt, many fictions and legends, has presented to us much which was excluded from the Sunna, and which, if not absolutely true, affords nevertheless very significant indications in the direction of truth. As to the existence of the legendary and marvellous element in all tradition that concerns the Prophet, there is really little choice between the Sunna and the

biographical works. Our conclusion then is, that Sprenger in the judgment quoted above has unduly lauded the collectors of the Sunna, and depreciated the value of the Biographers.

The works of the secretary, Ibn S'ad, are the latest which contain any fresh historical matter worthy to be so called. The names of several other biographers of the same age have been handed down, but they are never quoted by later writers, and their labours are hopelessly lost to us. Tabari (d. 310) may, indeed, be held to some small degree an exception, since he has preserved here and there materials (such as the letters of Orwa) not to be found elsewhere. After him there is absolutely no work which contains any independent historical substance. The so-called historians of later times, so far as they deal in history at all, blindly follow Ibn Ishâc, supplementing his statements occasionally by a reference to Wâkidi. To call any of these, "original sources," is a mere abuse of the term.

We next come to the COMMENTARIES on the Coran.

Besides the desire, natural in a pious Moslem, to expound his sacred book, explain its difficulties, and illustrate its excellencies, there were two causes which led to the growth of commentaries: the Coran contradicts the previous Scripture, and sometimes contradicts itself. When these inconsistencies are irreconcilable, then the latest revelation is held to cancel the former. Thus, in the Coran itself a divine command is not unfrequently repealed by the substitution of another. And, on the same principle, the whole body of previous revelation is superseded by the Coran, at least so far as the Moslem world is concerned; for there are not wanting intimations in the Coran that, at least in the earlier stages of his teaching, Mahomet admitted the continued obligation of the Tourât and the Gospel in respect of Jews and Christians.

But besides direct contradictions, there are various inconsistencies in the Coran, which the believer understands as only apparent, the deeper and real sense being in harmony. Indeed, an under-current of spiritual truth, in proportion as it was hid from ordinary perception, constituted one of the chief glories of the Coran. "In such cases," says Sprenger, "the student "marvelled neither at the acuteness, nor yet at the audacity, of his master; he marvelled rather at the wisdom of "God which could draw forth such mysterious interpretations. Theology, in fact, had now made such happy progress, that men looked on common sense as a mere human attribute,—the reverse being that which they expected from "the Deity!"

The Arabs were themselves unread, excepting in the rude literature of the desert. But the success of their arms soon brought within the pale of Islam a multitude of Jewish and Christian tribes more or less versed in Scripture and traditional lore. Of this the Christian portion was dropped almost untouched. Between Christianity and Islam there was little in common. The Coran itself contains no doctrine peculiar to Christianity, if perhaps we except the Resurrection from the dead, and the Life to come; and even these are travestied and cast into the mould of rabbinical legend. Mahomet's notion of the Messiah was no less conceived under the influence of Jewish prejudice; and the very rare and obscure references to Christian subjects, (such as the "table" or Supper of the Lord, and the Seven sleepers of Antioch) are after the same legendary type. Thus the points of contact are apparent rather than real. The convert from Christianity must needs cast away his old associations and all that was peculiar to the Christian religion; his traditions and his literature disappeared with his conversion. It was not till, in the obscurity of the middle ages, Christianity became dialectic, that it showed any affinity to Arab literature; and then only with that school among the Mahometans, which had engrafted its teaching upon the Greek philosophy.\*

Far otherwise was it with the Jewish faith. By reason of his hostile relations with the Jews at Medina, it is true that Mahomet hated and denounced the whole race with a bitterness which he never displayed towards the Christians. But his book and his system were not the less cast in a thoroughly Jewish type. The histories and legends, the precepts and ceremonial, of the Coran are largely adopted either from the Old Testament, or from rabbinical tradition. Islam, thus sympathizing closely with Judaism, was capable of copious illustration from it. Indeed, a large portion of the Coran cannot be properly understood without some knowledge of the biblical and rabbinical sources which inspired the Prophet. The Jewish convert, then, was not severed, like the Christian, from all sympathy with his old traditions. And these, easily accessible to the Mahometan commentators and genealogists, were eagerly devoured, and re-produced by them often in a distorted form to suit their own ends and the national taste. Hence the flood of Jewish tale and legend, which forms a distinguishing mark of the literature of Islam.

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\* The connection between Arab philosophy and Christian literature is interestingly discussed in the essay on "Arab Peripateticism," in *Three Essays on Philosophical Subjects*, by T. Shedden, M. A., London: 1866.

This important consideration is well known to the Mahometans themselves. Ibn Khaldûn thus writes :—

“The Arabs were a people without literature or science, rude and unlearned. When that longing after knowledge, which is natural to humanity, arose in their hearts, they betook themselves to the people of the previous book, and sought information from them. These were the adherents of the Tourât (Old Testament), consisting of the Jews and such Christians as followed their faith. But the adherents of the Tourât who lived amongst the Arabs were as rude as the Arabs themselves, and possessed on such subjects no other knowledge than that of the masses who professed the Scriptures. Amongst the most important of these were the Himyarite converts to Judaism. Although these, on coming over to Islam, adhered rigidly to Mahometan doctrine; yet in all things not dependent on Moslem dogma, they held also to their old teaching, especially to their stories concerning the origin of the world, and the former prophets, and the prophecies of future events and wars.” *III. p. cix.*

The father of Jewish commentators is Ibn Abbâs, son of the uncle of Mahomet. Born while Mahomet and his kinsmen were shut up under the ban of the Coreish in the Hâshimite quarter of Mecca, he was yet a boy when the Prophet died. Powerful in make, he was clear in intellect, energetic, arrogant, but crafty and variable. Like his father Abbâs, he followed wind and tide; and, at first attached to the side of Ali, he went over, on Ali's death, to the Omeiyad dynasty. In politics a cypher, he ruled with despotic power in matters spiritual.

He revised his own copy of the Coran with the aid of Zeid (the editor of the official edition), and collated it with the recensions of Ibn Masûd, &c. He numbered the verses, words, and even the letters of the entire volume. Profoundly versed not only in tradition, but in the poetry and dialects of Arabia, he found little trouble in mastering difficulties by construing this word in its Himyarite, and that in its Ethiopic sense. Jewish legend he borrowed from Kab “the Rabbin,” a Himyarite of Jewish parentage, who was converted to Islam on the re-conquest of Yemen under Abu Bakr, and who then settled at Medîna. From him, and from another converted Jew named Wahb, also from Yemen, Jewish legend was copiously drawn, and became incorporated in the stream of Mahometan tradition.

Ibn Abbâs himself was called “the Arab Rabbi.” It is related that Mujâhid went three times over the Coran with him, dwelling upon each word. He appears to have held certain esoteric views which he communicated only to his most intimate friends, saying, “Were I to teach *all*, the people would stone me.” His high social rank was not in those days inconsistent with his assumption of the office of teacher. He held public lectures on the Coran, and according to the custom of the time.

was stormed by his auditors with questions and difficulties,—enigmas to them, but trifles to him. As we have seen, he left a mass of manuscript notes. Thus Ibn Abbâs acquired a prodigious influence in the development of theology: he is the father of exegesis, and his lectures form the mould in which all the commentaries of the first four centuries were cast. The notes of his scholars grew into bundles, and these into books. Successive editors added fresh traditions professing to be derived through independent channels from Ibn Abbâs, and also interpolated other matter of their own. The six editions of his commentary now extant, are thus full of variations, and even of contradictory interpretations; but they all undoubtedly contain (Sprenger thinks) much matter that really proceeded from Ibn Abbâs himself.

There are no other early commentaries extant: but we know, by the quotations taken from them, that there formerly existed many such. Sprenger gives a list of thirty in the two first centuries. The most ancient grew out of the school collections; and while he thinks it possible that these may have preserved a greater number of early traditions than the Sunna, it is at the same time admitted that they are less critical and trustworthy.

Tabari (d. 310) carefully sifted the labours of his predecessors, and preserved what he deemed to be serviceable. A large fragment of his work is in the Library of the Asiatic Society in Calcutta.

All these works are based on traditions, exactly similar to those already described, which give the exposition of difficult passages by the early leaders of Islam. They contain also detailed narratives of those incidents in the prophet's life which, it is supposed, gave occasion to special revelations, or are otherwise alluded to in the Coran; and in this lies their service to the biographer of Mahomet. The later commentaries contain nothing historical that is not borrowed from these earlier works. Special schools took up different branches of the subject. The grammarians busied themselves with the text of the Coran long before Tabari; some wrote treatises on the rare expressions; others on the difficult phrases; some illustrated the style, others the sense of the darker, or the rhetoric of the more remarkable passages: these grew up side by side with the historical exegesis. The labours of both classes have been made use of by Thalabi (d. 427), the best commentator now available, and by Baghawî (d. 516) whose work has been lately lithographed at Bombay. By their time, the exegesis had become dialectic, and that style has prevailed ever since. One of the most valuable collections

is the commentary compiled by Soyuty as late as the 10th century.

The following is Sprenger's estimate of the value of the commentaries, as bearing on the biography of Mahomet :—

"We are concerned here, not with the degree in which these writers illustrated the Coran, but with the accounts they contain of Mahomet's life. The traditions of this nature which they have preserved are so numerous and so detailed, that (excepting only the two points of chronology and the campaigns) it were an easier task to compile a life of Mahomet without the 'biographies,' than without the 'commentaries.' Their statements, further, are somewhat more trustworthy, for they were committed to writing at a much earlier period; and, if their prejudices were deeper and more numerous, still they were of a different sort. They were also obliged to make mention of many incidents, because of allusions to them in the Coran, which the biographers pass over in silence. The commentators, taken in conjunction with the biographers, even where both are untrue, often enable us to pierce deeper into the real facts, or at least to detect untruthfulness. Moreover, although the commentaries may have been always taken advantage of by the biographers, it is not a sufficient reason for us to pass by the former, simply that the latter may have taken from them as much as served their own purpose." *III., p. cxx.*

The judgment of Sprenger is here, as elsewhere, tinged with prejudice against the biographers. The commentators in fact, as guides, are singularly unsafe. To illustrate allusions in the Coran they are always ready with a story in point: but unfortunately there are almost always several different tales, all equally apposite to the same allusion. The allusion, in fact, was often the father of the story. What was originally perhaps a mere conjecture of supposed events that might have given rise to an expression in the Coran, or was a simple surmise in explanation of some passage, by degrees assumed the garb of fact. The tradition and the facts which it professes to attest, thus no doubt often rest on no better authority than that of the verse or passage itself. Moreover, whatever really valuable traditional matter is to be found in the commentaries, was made use of by the biographers. We can hardly point to a single event in the life of the Prophet, which rests upon the independent evidence of the commentators.

We come lastly to the GENEALOGIES; and this portion of the essay appears to us by far the most curious and important contribution made to the early history of Arabia for many years. Dr. Sprenger has brought a close and philosophical analysis to bear on the copious materials amassed by him with great labour and erudition.

The subject is somewhat recondite, and from its technical character not very easy to illustrate. But it has points of great interest, and we shall be pardoned if in seeking to place before

the reader the results of Sprenger's researches, we are led into some detail.

At the outset, one is startled by finding an absolutely complete and accurate list of the warriors who followed Mahomet to the field of Badr. We can tell off "the three hundred of Badr," as exactly as from its muster-roll we could tell off three companies of H. M's. army now proceeding to Abyssinia. Whence this absolute certainty in the midst of the otherwise dim and varying statements of tradition? The answer is plain. The heroes of Badr were the nobility of Islam. They had cast in their lot with the Prophet when his fate trembled in the balance, and this their first victory was the corner-stone of his claim to the temporal as well as the spiritual sceptre. Moreover, in the first days of the faith, the distinction was accompanied, as we shall see, with certain very substantial temporal benefits.

Another claim to the homage of the Moslem world was relationship to the Prophet. We need but look around us at the respect still paid to the Syud, infinitesimal as may be his share in Mahomet's blood, to understand the strength of the feeling cherished towards the near relatives of the Prophet. Each clan counted its dignity in proportion to the closeness of its connection with him. The Coreish was the first tribe in the Peninsula, and its glory culminated in the immediate family of Mahomet.\* Thus, relationship to the Prophet, and service rendered to the cause before it became victorious, constituted the grand warrant in the early days of Islam to riches and honour.

The tithes of the Mahometan provinces, and the prize of war, which streamed from all quarters to Medina, were distributed mainly on these two considerations. Shortly after the prophet's death, when the tithes came in, Abu Bakr, with his wonted simplicity, called the faithful together, and divided the income equally amongst them all, men, women, and children. In the first year it yielded 9, and in the second year 20, dirhems to each. Under Omar, the revenue increased enormously, and he established an exchequer with a civil list (*Dewân*). The stipends were arranged according to the claim. First came

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\* It is one of the most marked distinctions between Islam and Christianity that this feeling never had place in the latter. Apart from the homage paid to the Virgin, which rests on other grounds, relationship to the family of Jesus was never courted as conferring Christian nobility. The Christian knew Christ "no longer after the flesh." The Mahometans, however much they may have magnified the supernatural character of their Prophet, still continued to know him most emphatically "after the flesh." The distinction illustrates the radical difference between the two religions.



the widows and the immediate relations of Mahomet, to each of whom was assigned the annual allowance of 12,000 dirhems; the veterans of Badr drew 5,000; all other converts who had thrown in their lot with Islam before that battle, 4,000 each: their children received each 2,000;—and so on by regular gradation, each was classified in proportion to the strength of claim. Indeed, Omar seems at one time to have conceived the idea of bestowing largesses upon the whole Arab nation, but the intention was never carried into effect. The first fruits of Mahometan conquest were enjoyed by Mecca and Medîna alone; and the practice continued until the holy cities were gradually superseded by other centres of power and influence. Thus the Dewân, or civil list, of Omar, an official register accessible to the public, afforded the traditionist a sure guide to the names, and partially also to the descent, of all who held a place in the history of the first days of Islam.

The record of tribal distinctions was preserved and fostered by the peculiar organization of the army. There was no arbitrary constitution of battalions; each corps was formed of one tribe, or of two or more allied tribes. When a province was subdued, a portion of the force with their families settled in it; the greater part returned laden with booty to one of the great military stations, Cûfa, Basra, Fostât, &c, where they waited for the next campaign. When thus cantoned, distinct quarters were assigned to each tribe, or corps of allied tribes; the military rolls were kept accordingly, every tribe going up in a body separately for its pay. The officers received from six to nine thousand dirhems. Every boy born in these military quarters received at his birth 100 dirhems and two measures of wheat,—the allowance rising with his age to 600 dirhems. Such was the constitution of that force which like wild-fire over-ran so many fair and powerful provinces. There were individual soldiers who received their pay separately,—belonging, as it would seem, to none of the Arab tribes; but these formed the exception. Such of the tribes as did not go into the field received no pay; but largesses were often made by the Caliphs to various tribes throughout the Peninsula. The system was long maintained; and we find it adduced as a reproach to the Caliph Walîd, near the end of the first century, that he had withheld their allowances from the *junds* or tribal corps settled in the military stations.

Nobility of tribe was, before the rise of Islam, the sole nobility of Arabia. Each tribe vied with its neighbour; and the rivalry was not only for victory in the field, but for the laurel of the poet and orator; pre-eminence in hospitality and munificence;—for whatever, in fact, conferred in the eyes of an

Arab, glory and honor. It is true that a new and higher nobility,—that of relationship to Mahomet, and service to Islam,—now sprang up; and before this, the pride of clan waned, and finally (excepting in the Peninsula itself) wholly disappeared. But for a time the military organization above explained fostered the tribal spirit; and it also afforded the antiquarians of the day exact and ample materials for describing the races and clans of Arabia, and endeavouring to trace their ancient history.

The genealogies of the Mahometans divide themselves into three classes;—of the *person*, of the *family*, and of the *tribe*.

The love of genealogies amounts in the Mahometan to a passion. There are more genealogical trees among them than in the whole world beside. The taste survives to the present day; and even in India we find clans and families who trace, or pretend to trace, their descent to the early nobility of Islam. Sprenger adduces a curious example in the Mahometans of Paneeput. These are composed of four castes: the descendants of Abu Ayûb (the citizen of Medîna whose guest the Prophet was on his first arrival); the descendants of Othmân; Affghans; and converted Rajpoots. The two first do not intermarry with the two last. They carefully maintain their genealogical trees, in which the pedigree is followed up to the founders of the family in the time of Mahomet; in later days the births and deaths are entered, and sometimes the marriages also, with the dates. The pedigree of the Othmânite clan is carefully kept in the custody of the Nawab, the head of the house, but Sprenger does not think it above 100 years old. For the last 17 or 18 generations, that is up to the time of Ala-uddeen Shah, when the family first entered India, the details may be founded more or less on fact. Beyond that, the descent runs through kings of Herat, Sheraz, Kafaristan, Balkh, &c., and is pure fabrication. The same is the experience of Sprenger with all the other pedigrees he has met. "Life in the East" he says, "is all too insecure, and under too arbitrary a government, to look for archives extending over several centuries. In the deserts of Arabia, such documents are altogether unknown; and it would be childish to imagine that the minute ramifications of any tribe could be retained in the mere memory for a long series of years."\*

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\* It is a mistake to suppose that the Arabs keep any long pedigree of their blood horses. The certificate they give contains merely the name of the clan, it being presumed that the purity of the blood is notorious throughout the tribe. Vol. III., p cxxvii.

It seems probable that registers of lineage, like those of Panecput, were known at a very early period, and that the practice of keeping them soon became common.\* These would be first compiled by their respective families or partizans, for the more distinguished heroes connected with the rise of Islam; and thus it may be concluded that when, in the second or third century, the pedigree of such persons is traced (as it invariably is) upwards to the time of Mahomet, or indeed two or three generations beyond, the details are founded on records of this nature, and are generally trustworthy. When genealogical study became the fashion, prodigious pains and learning were expended on the work. A peer might as well want his armorial bearings, as a professed descendant of one of the early Moslems his pedigree; and rather than have none, it must be invented. The contemporaries of Mahomet known by name, number no fewer than 9,000. By the end of the first century, the genealogy of each one, and also of every distinguished Arab before and after, was traced up to his family and tribe, and thus connected with a pedigree reaching to Adam! Such is Arab lineage.

Next in trustworthiness come the *family* trees, which are generally grounded more or less on fact, whereas the descent of tribes is based on mere symbol or theory. The family trees of an urban population are, from their settled habits, much longer than those of the Nomad tribes. The pedigree elaborated with the greatest care is that of the Medfna clans, the Aus and Khazraj, which is carried back with all its links and ramifications to a common ancestor 13 generations distant. The genealogy of the Meccan families is traced up to Fihir Coreish, 12 generations; but Cossai, the fifth in the line from Mahomet, is the earliest of whom it can be said, with any confidence, that he is an historical personage.†

\* Sprenger ingeniously proves this not only by direct evidence, but by such early variations of names as could only have arisen from mistaking the form of the *letters*, and would not have occurred under *oral* transmission. *Ibid.*

† Sprenger indeed (though apparently admitting Cossai's historical reality) casts suspicion on the pedigree of the Abd Shams branch of the Coreishite tree,—a branch only *three* removes from Mahomet; but his doubts seem without any good foundation. The case is this;—

According to the received genealogy, Hâshim, the great grandfather of Mahomet, had three brothers: the descendants of Hâshim and one of the others were called the Hâshimite clan; those of the other two were called the Abdshamsite clan. The latter was strongly opposed to Mahomet, and it sprang the Omeiyad dynasty, between which and the Prophet's

It will thus be understood that the lower links of the family pedigrees are for the most part historical. The more distant are legendary, and consist of names assumed from the floating elements of popular tradition, or invented sometimes on grounds of probability, sometimes without any grounds at all, for the purpose of fitting in the family pedigree to the great tribal system of the peninsula.

The family tree of Mahomet, embracing the Coreish and allied stocks, was naturally the first elaborated, and indeed became the standard by which all other pedigrees were framed. The succession is pursued through eleven generations from the Prophet to Fîhr Coreish, the progenitor of the clan or family; and through eight generations more to Nizâr, the common ancestor of the tribe or combination of tribes acknowledging that name. The Bani Nizâr embraced many subordinate tribes, numbering, as Sprenger thinks, in the time of Mahomet, some 5 or 6 million souls, and connected mostly by no other tie than the common name. They spread over the whole of

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immediate family there was long nursed a mortal rivalry and hatred. The Abdshamsite branch was (very naturally) never admitted to equal pensionary privileges with the Hâshimite, notwithstanding that Othmân (who belonged to it) interceded for them. Hence Sprenger concludes that they did not really stand in the same close relation to Mahomet as represented by tradition; but that this fictitious relationship was conceded with two objects,—first to add prestige to Mahomet's own branch, the Hâshimite, by the establishment of a close connection between them and the "patrician," or leading clan of Abd Shams; second, with the view of aggrandizing the latter powerful family when its representative, Othmân, was Caliph, by placing their privileges on a par with the Hâshimite. Both reasons (besides their inherent improbability) are inadequate to account for the unanimity of tradition on the descent of Abd Shams and Hâshim from the same father. It is inconceivable that the relationship could have been invented in the way supposed, or that Othmân could have effected a change in the popular tradition so many years after Mahomet's death, without eliciting fierce reclamation from his bitter antagonists, the adherents of Ali. It would certainly in after days have been paraded as a leading charge against the Omeiyads by the Hâshimites and Abbasides, in whose cause it would have been a most effective argument. Yet not a whisper is on any side raised, casting doubt on the common descent of the four stocks from Abdmenâf. There were aged men alive when Mahomet reached power, to whom the facts must have been known, at a time when all claims to relationship with his family would be closely canvassed; and in a society like that of Mecca, where the ties of blood were paramount, it is hardly possible to conceive the deception supposed by Sprenger gaining currency. The truth is that the prominence assigned by the Coran (S. VIII., p. 42) to the relations of Mahomet, originated at a time when the Abdshamsite branch was waging open war with Mahomet; that family was consequently on political grounds placed on a lower scale than the Hâshimite; and the difference was perpetuated in the practice of Mahomet, and in the civil list of Omar.

Northern Arabia and Mesopotamia: but the Bani Modhar, or branch to which Mahomet belonged, had their seat chiefly on the shore of the Red Sea. Descending the line, each progenitor's name represents a gradually diminishing affiliation of tribes. Thus the Bani *Nizâr* ("children of Nizâr," the patriarch of the race) include the distant stocks of Bakr and Taghlib. The Bani *Modhar* (son of Nizâr) exclude these, while embracing the numerous groups sprung from Modhar through *Cays Aylân*,—which latter again are excluded from the branch bearing the appellation of Bani *Khindif*, the next in descent;—and so on till the circle is narrowed to the families descended from Fihri,—the "Coreish."

Each tribe had thus its central column of descent; and the more remote the progenitor, the more numerous the tribes ranging under his name. This central column was termed by the genealogists *Amud al nasab*: and with this stem, every clan of the race supposed to spring from the common patriarch was connected, by assigning its descent from some one of the successive progenitors;—the common appellation of the group of sub-tribes thus affiliated together being generally assumed as the name of such progenitor. It became necessary, therefore, to provide that the number of links in the tree of a sub-tribe up to the progenitor under whom it branched off from the main tribe, corresponded with the number of links in the parent stem. For example, as there are 18 generations between Mahomet and Modhar, it follows that in the family tree of the Bani Suleim descended from Aylân son of Modhar, there must be 17 links. These removes are termed *côdod* in the technical language of the genealogists; and as they were drawn out merely to square with a theory, so they were no doubt filled up generally in the most arbitrary manner. If real names were not forthcoming for a gap, names were invented, and so the synchronism maintained.

It was a gigantic work, this of the genealogists. They not only traced the pedigree of every individual of note among the contemporaries of Mahomet and their followers to its family in one of the Arab tribes, but they affiliated every tribe to its proper stem, and gave the name of every progenitor through whom step by step each tribe was connected with one or other of the great races which peopled the peninsula. This vast genealogical web was woven up to the earliest epoch: but it is only the lower threads upon which we can count with certainty. The warp and woof of the ancient portion is almost entirely pure invention. Certain great ancestral names were current in Arabia as the patriarchs of the

various affiliations of tribes, and constituted, we might say, the ethnological symbols of the nation. These were laid down as the ruling pattern. Upon this was delineated the position of every tribe, in accordance with the popular tradition of descent, the received symbols of ancient ethnological division, or the mere fancy of the genealogist. The outline was enriched with sketches of battles, inter-tribal rivalries, or personal incident, grounded, no doubt for the most part, on legends current among the Arabs, and some of them, perhaps, like the episode of Antar, adopted from the recitations of Bedowin rhapsodists, or based on the remains of ancient poets; but excepting for recent periods, all equally fabulous. The details are given with the greater freshness and confidence, the farther the scene is shifted back into the depths of the past; for there imagination had the freest scope.

The Bedowin nation exhibits a phase of society ever restless and changeful. A tribe would divide itself in search of pasture, or in consequence of a dispute or other trivial cause, and the branches, probably separated ever after, wandered far from each other, and forgot their common origin. The fortune of war sometimes exterminated a whole clan, or forced it into combinations which gave a new colour to the genealogical traditions. On the other hand, success in war, or a prosperous settlement, attracted fresh adherents, and small or loosely floating clans thus coalescing with a larger tribe, merged in it their individuality. Thus the surface of society was ever shifting, like the rapidly changing collocations of the kaleidoscope. When we remember that in Arabia there were no archives wherein the record of such changes could be preserved, it is vain to look for any trustworthy outlines of the more remote periods of Arabian history. Some great tribes may, no doubt, have maintained their individuality through many ages, as the Mozeina and Suleim, for example, have done from the time of Mahomet to the present day: but it must also be remembered that Islam has introduced an element of fixity into the social system unknown before, and we must not estimate the restless chaotic state of ante-Mahometan Arabia by its subsequent history.

All then that we can look for in the elaborate and voluminous work of the genealogists, is a picture of the tribal distinctions as they existed in the time of Mahomet, with an approximate sketch of the great families to which each was affiliated. We may here and there catch a glimpse of the grand outlines of race reaching back to some antiquity, but further than this we cannot attach weight to the system.

It was based on the mere theories of the genealogists, who, when fact was wanting, contrived, invented, and fabricated, without stint or scruple, both the outlines and the detail. The vast pile of Arab genealogy, beautiful and symmetrical as it is, melts away, like a fabric reared of snow, before the merciless criticism of Sprenger.

Scrupulous in harmonizing the steps and "distances" in the various pedigrees, the genealogists were incapable of weighing wider and more important considerations. The rate of natural increase was not observed, or was cast aside as irrelevant. Thus, (an example cited by Sprenger,) two tribes, numbering in the time of Mahomet perhaps 50,000 souls, are traced to progenitors who were cousins of Cossai,—*i.e.*, only five generations back! The theory is perfect; but the facts discrepant.

Dr. Sprenger was for a time puzzled to find a reason which would account for these strange inconsistencies. His first hypothesis was, that the genealogical system was elaborated from the local tradition current among the tribes settled in and around Cûfa, and such like military stations; but the insignificant place assigned to the clans occupying the vicinity of those stations, made him abandon the idea. He then hit on what appears to be the correct theory. The genealogical system and all its details were elaborated at Medina from the Dewân, or salary-rolls, of Omar, and from the tradition still alive on the spot; and consequently all the tribes inhabiting the vicinity of that city are brought out in strong relief. As the tribes living near Mecca and Medina supplied their full contingents for the wars, the names of the individuals would be entered in detail, and each tribe assigned a separate heading, in the Dewân. In proportion to their distance from Medina, the contingents furnished by the several clans became smaller and smaller. Perhaps bodies of not more than a dozen or twenty men would be supplied by some of the remote southern tribes; several of these small sections would probably encamp together, and in the Dewân would be clubbed under one head. Thus, the importance and numbers of a tribe to the eye of a genealogist would be magnified by its closeness to Medina; while distance would cause the outline to shrink, and the detail become obscure. Medina, in short, was the centre of the perspective. Thus the tribes near at hand had a much longer and more elaborate pedigree than those far off, because each clan had a far greater number of groups to account for, and in tracing these up to a common progenitor, a corresponding number of steps must be allowed; on the other hand, where the groups were few, the rule of "distance" proportionately curtailed the pedigree. In accordance with this very

scholarly theory, we find the family pedigree of Medīna itself the longest, and that of Mecca the next. As these were the centres from whence the genealogists took their survey, they were also the spiritual centres of the peninsula. Tribes were ennobled as they had any connection or interest with the Prophet or his home; and so, in this view also, the genealogical perspective would radiate from those holy places, producing its exaggerated effect on what was near, and diminishing the distant.

The chief use to the biographer, of the genealogists' labours, is that, besides legends of ancient battles and exploits, they have treasured up contemporary notices of the various tribes, and especially the narrative of such events as brought them into contact with Mahomet. They carefully note, for example, the names of any early converts who visited him; the part taken by the family or tribe in the campaigns of the Prophet; treaties made, or privileges conceded, &c. There is, in particular, an entire section of Wāckidi's work devoted to the "deputations" which, chiefly in the 9th year of the Hegira, visited Medīna from all parts of the peninsula to tender their allegiance to Mahomet. Every surviving scrap of a treaty or letter connected with the Prophet was sacredly treasured up by the parties whom it affected; these were all sought out by the genealogists, and are transcribed in connection with the tribes to which they relate. In this way, the historian finds much light thrown on the progress of Islam throughout Arabia, and even obtains casual glimpses of Mahomet.

We have said nothing of the steps by which the Arabs endeavour to connect themselves with the patriarchs of the Old Testament. The grand division of the nation into two races, northern and southern, and the classification of tribes according as their origin was from the one or the other, is no doubt based on solid ground. And moreover, the record of dynasties and leading events in southern Arabia has a special claim on our attention, because we know that it was the custom there to *inscribe public events on monuments, which must have been* available to the collectors of tradition, although illegible to us from the loss of the key to the Himyarite alphabet. But although this consideration may enable us to grope some little way farther back in Yemen than in the rest of Arabia, it still leaves the elaborate genealogies of patriarchal times a mere fiction of the traditionists. These identify Cahtān, the mythical progenitor of the southern tribes, at the distance of thirty-six generations, with Joktan of the Old Testament! And similarly the northern tribes rejoice in having traced the links which connect their Prophet, and consequently the entire northern race,



with Ishmael and Abraham, the founders of the holy Kaaba. But Mahomet himself discountenanced all such fictitious pedigrees. "Beyond Adnân" he said, "none but the Lord knoweth, and 'the genealogists lie':—a safe enough judgment, seeing that Adnân (grandfather of the Nizâr spoken of above) was at the distance of two and twenty generations. In point of fact, the whole of the patriarchal genealogies are an undisguised plagiarism from the Old Testament and the legends of rabbinical writers. They are based upon nothing native, not even upon Arab legend. All that is not derived from the rabbins of Yemen and Syria is pure invention. Sprenger has clearly proved this; and the large Jewish element is admitted by Mahometan writers themselves.\*

There is yet one remaining source from which we derive information regarding Mahomet and the early Arabs, namely, the writings of contemporary Poets. No doubt poems and fragments of poetry, earlier even than the time of Mahomet, were handed down for a time in greater or less purity. Tradition makes frequent mention of poems, satirical, eulogistic, and elegiac, having direct reference to Mahomet; and these are constantly quoted both by the biographers and genealogists. But a class of *littérateurs* sprang up whose art and pride it was to counterfeit the compositions of the older poets. By study and practice they acquired so close a perception of the style and language of each period, and of the individual poets who flourished in it, that they could assign any line quoted at random to its proper author, and could even coin verses cast so delicately in the desired type, that the most careful scrutiny of the scholar could not always detect the forgery. Thus later pieces circulated in the name of early authors,† and their poems were interpolated with foreign matter which blended with the original too closely to be afterwards separated. For this cause, though these ancient poems undoubtedly contain much that is authentic, little reliance can be reposed on them as containing historical evidence.

The life of the poet Hammâd Râwy as given by Sprenger, shows how fashionable was this practice, and is also a fair illustration of the manners of the age. Taken prisoner as a child, he regained his freedom and joined himself to a band of robbers. Among the booty, he one day chanced upon a collection of poems

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\* See Muir's "*Mahomet.*" Vol. I., pp. lxx, cvii, and cxiii.

† This of course is quite distinct from the more innocent practice of the biographers in putting the speeches and sayings of their heroes sometimes into the shape of verse. The use of the direct form of address fostered the

by a "Companion" of Mahomet. He was charmed, committed them to memory, abandoned robbery, and devoted himself to literature.

On his being asked by Walid, the Caliph, why he was called *Rāwī*,\* he replied :—"Because I know by heart the works of all the poets thou art acquainted with, or hast heard the names of ; and those thou never heardest of I know better than the poem thou art best acquainted with is known by thee ! Moreover if a piece of poetry be recited, I will tell thee with certainty to what period it belongs :—" "By thy father, thou art a prodigy of learning ! How many verses dost thou know by heart ?" "A vast number ! For every letter of the alphabet I could recite a hundred long *Casidas* rhyming with it. And besides poems since the rise of Islam, I know innumerable ancient fragments, belonging to the days of heathendom." The Caliph commanded him to be presented with 1,00,000 dirhems.

"When Hishām succeeded to the Caliphate," says Hamnād, "I kept to my house in Oûfa, because that Caliph had shown enmity towards me. After a year, I began to go out ; and one Friday repaired to the mosque for prayer. At the door, I was met by two policemen with an order that the governor desired to see me. Filled with apprehension, I begged permission to go first to my home and bid my family a last farewell ; but even this was not allowed me. I went trembling to the governor who showed me a despatch from the Caliph, desiring that I should be sent forthwith to the Court at Damascus. Richly supplied, and mounted on a swift dromedary, I reached Damascus in twelve days. Then, taken straightway to the palace, I entered a gorgeous hall, the floor and walls inlaid with gold and marble. The Caliph, robed in purple, reclined on crimson pillows : the air was redolent of musk and amber, which lay before him on a golden chafing dish : occasionally he shook the dish and filled the hall with the sweet incense. He accosted me kindly and desired me to approach. I kissed his foot, and in doing so caught a glimpse of two slave-girls of superlative beauty standing behind, their great ruby ear-rings glancing by their cheeks like fire. He asked after my welfare ; a verse had occurred to him, and he had sent for me, he said, because he could not remember where it was to be found. I told him at once, and was able, moreover, to repeat the entire poem. He was delighted, and desired me to present my request. I asked that I might have one of the slave-girls. He gave me both, and commanded that I should be placed in a lordly chamber, to which I at once repaired, and found attendants and everything I could wish in readiness. Likewise, he gave me a present of 1,00,000 dirhems."

There are circumstances related by Sprenger of this poet which show that at times he was little better than a drunken and debauched sot. On one occasion he was found in a shameful state, when sent for by the Caliph Mansûr. But rapidly recovering himself, he recited an elegy with such pathos as to draw tears from the Caliph's eyes.

The Caliph Mehdî once held a gathering of learned men versed in poetry. To Hamnād he presented 20,000 dirhems, remarking that he composed good poetry, but that when he recited ancient poems he inserted many

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concoction of set speeches, like those of the Roman historians. Deception was not intended in either case. No one imagines that the speeches pretend to be in the exact words, but merely in a supposed likely form.

\* "Narrator" of stories or traditions.

spurious verses. To another, called Mofaddhal, he gave 50,000 dirhems, because he recited ancient poetry with critical accuracy.

This Mofaddhal tells us that Hammâd exercised a most pernicious influence in giving currency to erroneous and altered versions of the ancient poets. Mere errors learned critics might correct; but this man was so thoroughly versed in the peculiar language of Arabic poetry, and knew the style and manner of each poet so closely, that he could compose whole poems in the spirit and language of some ancient bard, and then give them out as authentic. These became mixed up with the genuine remains; and as such were handed down; thus it was only the most practised critic who could discriminate between what was genuine and what interpolated. *Vol. III, p. clxxiv.*

It is easy to perceive that, under such circumstances, whatever illustration the habits and adventures of the early Mussulman heroes may receive from the remains of contemporary poets, can be of no certain service in contested points of history. As a matter of fact, one meets in these remarks with frequent anachronisms and allusions to later events, which of themselves would suffice to shake our faith in them as a sure ground of historical evidence.\*

The concluding pages of Sprenger's essay are devoted to general considerations of much interest. He traces an essential element of early Moslem literature to the proud supremacy of Islam; and illustrates the position by the analogy of the English in India. He says:—

One must live and labour in India to know what grand aspirations this feeling of supremacy gives birth to. The heroic defence of Lucknow, and the daring siege of Delhi in 1857, prove to what a pitch of greatness such influences lead. The pride of belonging to the dominant nation makes every man a hero; and, even in the domain of mind, produces under such circumstances, the elements of greatness. In the days of Muâvia, the finest provinces of the world, yielding a revenue of 40 millions sterling, were at the feet of the conquering race. All non-Moslems were their slaves. And it was this that moulded the heroic character of the Mahometan world.

Supremacy begot assurance. But notwithstanding the nobility of sentiment thus produced, the Moslem world never rose above the rank of the barbarian. One must not mistake ability in practical life, and the natural products of Fancy in the province of speculation and religion, for the cultivation of Reason. Resembling other people of the age, the Mahometans altogether failed in the faculty of Observation, and the inductive exercise of the Reason. Like children, Imagination had the sway over them, and the more the spiritual life wrought in them, the more phantasy obtained the mastery over sound reason: for, the over-weening assurance with which they aspired to the highest regions of science was based neither on true knowledge nor on the cultivation of the understanding, and attained to no other result than the bold imagery of an unbridled imagination,—inventions and lies. Excepting momentary displays of nobility and self-abnegation, it entirely failed in imparting Humanity, and the sense of Truth and Right.

\* See examples given in Muir's "*Mahomet*." Vol. I., p. lxxxiv.

These views are of the highest importance, coming as they do from so philosophical a thinker as Sprenger; and they are founded on truth. But in estimating the causes of the results above described, Sprenger has not sufficiently adverted to the repressive influence of Islam itself, which placed shackles on the independence of human thought, stifled free enquiry, and imprisoned the intellect in the close dark cell of dogma and superstition.

Of the incredible mass of inventions and fabrications called into life by the stir and spiritual activity of the first 60 years of the Hegira, Sprenger considers that but a small proportion has survived, and this the portion most congenial with the Mahometan mind. The principle of natural selection, as it were, preserved the materials which suited the requirements, tastes, and prejudices of the people, and dropped the rest. Tradition, as we now have it, was, in other words, moulded by the people themselves:—

Thousands and thousands occupied themselves with handing down traditions. In every mosque they committed them to memory, and rehearsed them in every social gathering. All knowledge was the common property of the nation; it was learned by heart, and transmitted orally. It possessed therefore, in the highest possible degree, the elements of life and plasticity. Bursera has discovered the divinity of the Bible in its always having been the people's book. If this criterion be decisive, then no religion has better claim to be called the *vox Dei*, because none is in so full a sense the *vox populi*. The creations of the period we have been considering, possess this character for hundreds of millions of our fellowmen; for modern Islamism is as far removed from the spirit in which the Coran was composed, as Catholicism is from the spirit of the Gospel; and modern Islamism is grounded upon tradition. But in tradition we find nothing but the Ideal, Invention, and Fancy. Historical facts, however they may have been floating full of life among the people in the days of Ibn Abbās and the other founders of genealogy, were trodden under feet:—because men wished to remove every barrier which stood in the way of self-glorification. And, of the thousand inventions which every day gave birth to, only those were recognized as true, which most flattered the religious and national pride. Vol. III. p. clxxviii.

There is a depth of truth and reality in these sentiments. But it may be well to guard them by two considerations:—In the first place, however much the nation was inclined to hand down only those traditions which symbolized with their tendency to glorify Mahomet and also glorify themselves, and to throw the rest away, there were, fortunately for history, causes at work which to a certain degree counteracted the process. For Mahometan society was, from the earliest period, riven into factions which opposed each other with a mortal strife, and consequently were not indisposed to perpetuate traditions which

would aid their cause by depreciating their adversaries; and partizanship has thus secured for us a large amount of historical fact which would otherwise have sunk unnoticed. Moreover, in the several biographers, it appears to us that we are bound to acknowledge the honest endeavour to draw with faithfulness the lineaments of the Prophet's life, though naturally in exaggerated outlines as seen through the medium of a supernatural atmosphere.

As regards tradition being "the voice of the people," Bunsen would hardly have recognized the applicability of his dictum to a state of society in which the range of thought was sternly circumscribed, and its results dwarfed by an institution far more powerful than the inquisition, which proscribed the free exercise of thought and discussion as incompatible with the profession of Islam. The result is not the *vox populi* in any intelligible sense.

The plastic period soon passed away, and left the material of tradition in a form which might be worked up into any of the theological systems, but could not henceforward in its own substance be altered. This is well stated by Sprenger in his concluding paragraph:—

The time of creative activity, the gestation era of Moslem knowledge, passed away. Hajjāj choked the young life in its own blood; and the Abbaside dynasty with kingly patriotism sold the dearly bought acquisitions of the nation, first to the Persians, and then to Turkish slaves, with the view of procuring an imaginary security for their throne. And thus there began for the spiritual life also a new period.\* Already, Wāckidi had begun to work up into shape the mass of his traditional stores; and thenceforward he himself became the subject of scholastic industry. In the schools, one could as little affect the material, or alter its nature, as attempt to alter the organism of the new-born child. However arbitrary might be the invention of the *Mirāj* (Mahomet's heavenly journey) and other fabrications of the first century, they still formed in this way the positive element and soul of religious, political, and social life. The schools, as always, confined their exertions to collecting, comparing, abbreviating, systematizing, and commentating. The material was altogether divine; and any unprejudiced historical enquiry, any simple and natural interpretation of the

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\* The political history (Sprenger adds in a note) developed itself in this wise:—"First came the civil wars which maintained the warlike spirit of the nation in its integrity, and the party-leaders were forced to follow the people's will. In the end, that party gained the ascendancy which was the most unscrupulous, but the one which knew best how to administer the finances; namely, the descendants of Abu-Sofān, the once arch enemy of Islam. At the conclusion of the civil wars, the object of the rulers was to break the arrogance of the people. The grand instrument for that end was Hajjāj. This man, from A. H. 75 to 95, ruled from Babylonia to Scind, and in that interval massacred 1,20,000 persons,

Coran, any free judgment on tradition or its origin, was condemned as apostasy. The only task that remained, was to work up, in scholastic form, the existing material: and in this way was developed a literature of boundless dimensions, which yet at bottom possessed nothing real. The whole spiritual activity of the Mahometans, from the time of the Prophet to the present day, is a dream: but it is a dream in which a large portion of the human race have lived; and it has all the interest which things relating to mankind always possess for man." Vol. III., p. clxxx.

It is strange that a study surrounded, as we might imagine, with so many attractions for the Oriental student, as that of the early records of Islam, should be almost unknown in India. For the English it may be said that they have in this country small leisure from the busy work of life, to turn aside to the task; and for the Hindoo it would prove hardly a congenial subject. But to educated and thoughtful Mahometans, as involving the first beginnings and the development of what they hold to be most sacred and precious, one might have expected the study to be fraught with the deepest interest. The sword of Omar no longer checks freedom of enquiry; the right of private judgment and of discussion is here in India as free as the air we breathe; and yet the Mahometan mind would seem still dwarfed and scared by the apparition of that sword. The honest and enlightened

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Simultaneously, the court entered on a course of boundless extravagance with all its usual consequences.

"I have elsewhere\* shown that this oppression and extravagance precipitated the new direction which the Moslem mind was under any circumstances destined to take. Already before the end of the first century, the ascetic turn and the theosophy inseparable therefrom, a combination styled among the Arabs *Sûfism*, had arisen. This made rapid strides; and in the end of the third century, was already itself the subject of learned works. As might have been anticipated, the Mussulman world has carried this system to the utmost extreme. Their Sûfies outstrip in every point of view both the Indian *Jogies* and our own monks. The asceticism of the Sûfies is more systematic, their pantheistic teaching deeper and more consistent, and their vices more enormous, than those of any other people. Spinoza and Schelling are left far behind by Ibn Araby. But we must not be deceived by appearances. It requires small advancement to found a deep metaphysical system. Captain Latter was once telling me of the Burmese literature and theosophy, when I expressed my astonishment at the latter. He remarked:—"the same is found among all rude nations; for the supernaturalist has no need of learning: dreams suffice for him." p. xxix.

No one is better qualified than Sprenger to trace the history of Mahometan philosophy, and especially its Sûfism. It would be a subject worthy of his pen.

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\* *Journal, Asiatic Society.* Vol. XXV., p. cxxxiii.

Mahometan ought not to shrink from a domain of enquiry, opening up to his view a long vista of history and literature, which he naturally looks up to with veneration, and portions of which he may justly regard with pride. The Christian Missionary too might draw many a polished shaft from the same armoury. In our seats of learning, a branch of study so closely affecting an important section of the human race, and India in particular, might find a fitting place. And upon the learned men who preside at those institutions devolves the responsibility of rendering that study popular in India.

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## VINDICATION OF THE HINDOOS AS A TRAVELLING NATION.

- ART. V.—1. *Hindoo Traditions and Proverbs.*  
2. *Wilford's Essay on the Caucasus.*  
3. *Mill's History of British India.*  
4. *Elphinstone's History of India.*  
5. *Tod's Rajasthan.*

“THE moral and intellectual benefits of travelling,” says a writer, “is a subject that has been dwelt upon from the days of Cicero to the days of Chesterfield.” Seldom or never do the Hindoos appear to have appreciated those benefits. That the Hindoos have never been a travelling people, is the common opinion of foreigners as well as of themselves. It is inculcated in one of their traditions current from a remote age, and is confirmed by a reference to their institutions, usages, and habits of life. The couplet in which that tradition is embodied, has been quoted by Wilford in his “*Essay on the Caucasus.*” Mill has left his readers to arrive at such a conclusion from his remarks on the manners of the Hindoos, and Elphinstone has broadly hinted at it in an early part of his history.

There must be plausible grounds upon which this opinion is founded, or, otherwise, it would not have gained so universal a currency, and remained uncontradicted for so long a period. Indeed, all *primâ facie* evidence seems to bear out the truth of the opinion in question. It is meant to apply equally to the natives of the present day, as well as to the Hindoos of the early times. In the history of the latter, there is no instance of a Hindoo monarch having ever undertaken a foreign conquest; of a Hindoo politician having ever projected to found a colonial settlement; or of a Hindoo traveller having ever visited the then known countries of the world. The Egyptian, the Assyrian, the Persian, and the Greek, had, each in his turn, invaded India. But the Hindoos of old appear to have



rested content with acting only on the defensive within the natural boundaries of their kingdom, and to have never engaged themselves in an aggressive war. It never entered into their thoughts to retaliate invasion with invasion; to undertake an expedition up the *Maro Rhubrum* to overturn the throne of Sesostris; to send an armament up the Erythræan Sea to besiege the capital of Semiramis; or to lead an army beyond the Indus to chastise the Mede and Persian. Rama and Arjoona were great heroes, but their exploits were confined only to the limits of India proper. Vicramaditya was a mighty prince who has the honour of an era in Indian history, but his most glorious military operations were restricted to arresting the progress of the *Sacas* or Scythians, without following up the pursuit of those savage hordes beyond the Hindoo Koosh or the Jaxartes. The project of an Indian expedition to Egypt was not undertaken till the close of the eighteenth century, under the auspices of the Marquis of Wellesley, and the march of an Indian army beyond the Indus was not planned till the reign of Akber, and the times of the British.

Doubtless, there were many sagacious Hindoo ministers and politicians in the times when the Hindoo was the sovereign of India. The Code of Menu expressly treats of envoys and ambassadors for foreign affairs. But those statesmen are found to have confined their attention principally to what concerned them within the limits of their own Aryaverta, and to have scarcely exhibited any other phase of character than that of the ministers whose manœuvres and tortuous policies form the subject of the well-known drama of *Mudra Rakshasa*. None of them ever cherished an aggrandizing policy at the expense of foreigners; none of them ever entertained the idea of fitting out an expedition for commerce or colonisation to Ethiopia or the Indian Archipelago; and none of them ever lent any encouragement to foreign travelling or maritime enterprise, that might have resulted in the discovery of Australia.

It is to be remarked, that in the ancient Hindoo Penal Code, there is no punishment under the name of banishment, or transportation beyond the seas. The natural inference is, that the Hindoo lawgivers of old were not under circumstances to have become acquainted with the nature of such a punishment, and to have accordingly framed their rules for its infliction upon the robbers, perjurers, and forgers of their days. They could not have well conceived the pains of an exiled life, without their having been exiles and sojourners themselves, and felt home-yearnings in a strange land.

In Hindoo literature, there is no book upon travels and voyages. Chinese, Arabian, and African travellers have in

different ages visited India and other parts of the old Hemisphere, leaving behind them the most useful and interesting records of their peregrinations. But no Hindoo is known to have ever itinerated into foreign lands, and to have brought home foreign information for the enlightenment and edification of his countrymen. Nor, also, is there found any Hindoo who had ever embarked upon a naval undertaking, and distinguished himself by a maritime adventure. There was no such character as Columbus or Drake amongst the ancient Hindoos. Situated as they were in a peninsula, with the sea nearly on three sides of them for the base of their operations, not even lucre seems to have led any of them into a piratic life, to furnish his nation with the tales of a Hindoo buccaneer. The Indian Muse, too, appears to have trusted only the safe and solid *terra firma*. No Hindoo poet has ever described the sea or a shipwreck. There is no Sanscrit poem which commemorates the adventures of a Hindoo Jason or Ulysses upon the stormy Indian seas. Valmick had a fine opportunity of indulging in a Byronic rhapsody upon Old Ocean. But he frittered it upon the details of bridging the expanse of waters separating Setbunder from Ceylon. The geography of the ancient Hindoos is also confined to a description only of the land of their nation,—their own Bharatversh. It is only within India, that “their ancient books furnish geographical divisions, with “lists of the towns, mountains, and rivers.” All beyond India were to them regions of darkness and seas of butter and milk. “It is remarkable,” says Elphinstone, “that scarcely one “Sanskrit name of a place beyond the Indus coincides with “those of Alexander’s historians, though many on the Indian “side do.” The Hindoos of old cultivated no acquaintance with any foreign people. Few even of their neighbouring nations are mentioned in their early books. They knew the Greeks, but it was within the limits of India that they became acquainted with that nation.

The modern Hindoo is thought to have inherited the prejudices of his forefathers, and to be equally averse to travelling. His phlegmatic indolence, his slothful disposition, his sedentary habits, his effeminate manners, his extreme fondness for an indoor life, and his want of energy and enterprise, are so many proofs of his repugnance to foreign travel and sojourn. He is never induced to go abroad either by a liberal curiosity, or the pursuit of gain. His climate, his food, and his religion,—all encourage inaction. His rules of caste check all propensity to locomotion from the scenes of his birth and nursery. He has his favourite proverb, that “it is more happy to be seated

"than to walk, and more happy to sleep than to be awake." He is hemmed in by prejudices which he dares not break through; he has his religious abhorrence of setting his feet on board ship; his horror of the *Kalapanees* or the sea.

These are generally a few of the salient points that suggest themselves to a man who has little time or inclination for a critical study of the history of the Hindoos, and that influence him to form the opinion, the error of which we have undertaken to expose. By those who extend their researches deeper than a superficial enquiry, the remark, often founded upon apparent evidence, is found to hold good, not so much against the ancient Hindoos, as against the degenerate natives of the present day. It is often a great mistake not to distinguish the two peoples from one another, to confound the Hindoo of the days of Rama, of Vyas, and of Menu, with the generations of the present century. Things have not been so stationary in India as they are commonly supposed. Strong landmarks separate the ancient Arya from the modern Hindoo. Certainly, there is no denying the truth of the antipathy of the present Hindoostanees or Bengalees to any kind of peregrination whatsoever, excepting pilgrimages. That which may be assumed to have been a partial weakness in their ancestors, has in them settled down into a hereditary national repugnance. But facts can be enumerated to show that the ancient Hindoos were not so wholly opposed to all foreign travelling, as is the common supposition; that they were not fond of enacting the dramas of their lives only within the limits of their own country; that enterprise formed an ingredient in the composition of their character; that they sought political acquaintance with foreign people; that they maintained commercial relations with distant nations; and that they visited different countries to contemplate the wide diversities of men and manners. The most copious knowledge of their history and careful deductions, are necessary to form an accurate estimate of the character of the ancient Hindoos.

To commence from the remotest antiquity. The Rig-Veda,—"the oldest extant records of the ancient world," as well as of the Brahmins,—is the first to furnish us with proofs of the travelling of the primitive Hindoos. In *Ashtaka* (book) first, *Anuvaka* (chapter) tenth, *Varga* (section) twenty first, the sixth *Sukta* or hymn, distinctly alludes to the ocean and its phenomena, and we have besides merchants described as pressing earnestly on board ship for the sake of gain. Again, in the same book, but chapter seventeenth, section eighth, and hymn first, there is mention of a naval expedition against a

foreign island. In those days, there was a Rajah called Tugra. He had been much annoyed by some enemies who resided in a distant island. To chastise them, he sent his son Bhujya with an army on board. The prince had not sailed far into the open sea, before he encountered a storm. The vessel foundering in the gale, the object of the expedition was frustrated. But by some means or other, Bhujya was borne in safety to the shore,—an escape that could scarcely have been regarded in those ages of simplicity as less than miraculous, when “there is nothing to support,” nothing to rest upon, and nothing to cling to in the ocean.\* The vessel fitted out for the undertaking was a *Satāritram-navam*, or a hundred-oared ship. The etymology of the English word *navy*, is plainly traceable to the Sanscrit *navam*. Not only, then, does the Rig-Veda speak of the naval engagements and operations of the early Hindoos, but it also bears testimony to their considerable progress in the art and knowledge of ship-building. Conjecturing the probable date of that Veda to be more or less than two thousand years before Christ, the event which it records is prior to any other in the naval history of mankind,—an event, the remembrance of which had been preserved in a tradition even in the age of the Rig-Veda. By the common consent of nations, the credit for the first invention of ships had hitherto been awarded to the Phœnicians. But from this time forward the Hindoos ought to be acknowledged as entitled to the honour of being the first nation in the world who originated the art of ship-building. It is much to be regretted, that the part of the ocean, the scene of the shipwreck, and the situation of the island, are not at all indicated to throw light on the navigation and commerce of those primitive times. The Aryas, or Hindoos of the Vedic period, were invaders from the north, and had settled first in the *Septa-Sindhoo*, or the region of the seven waters—the same that is now called the Punjab, or the tract of the five waters. From this northern site, Dr. Wilson supposes them to have extended themselves to the sea coast, possibly along the Indus into Cutch and Guzerat, before they could have felt a sea-faring inclination, and engaged themselves in any kind of naval undertaking. In such a case, the place of Bhujya’s shipwreck, and the island against which he led an armament, may be supposed to have been somewhere in a part of the present Arabian Sea—probably in the future track of Scylax and Nearchus’ voyages.

The next weighty authority upon the subject is Menu. There is a passage in his Code touching the rules for interest

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\* Wilson’s *Rig-Veda*.

on money lent on *bottomry*, and on similar risks by land. This interest was generally fixed by "men well-acquainted with *sea-voyages, or journeys by land.*" In the opinion of Elphinstone, "as the word used in the original for *sea* is not applicable to any inland waters, the fact may be considered as established that the Hindoos navigated the ocean as early as the *age of the Code.*" The era of the Hindoo lawgiver has been fixed by the best authorities in the ninth century before Christ. It is to be concluded then, that the Hindoos had continued to be a sea-faring people during all that period which intervened between the age of the Rig-Veda, and the age of Menu,—a conclusion that may be safely formed in spite of the absence of every detail as to the manner in which they used to be employed upon the seas, and pass their lives upon the waves.

The "land journeys," spoken of by Menu, doubtless refer to those extensive caravan routes, which were formed at an early period for conveying the costly produce of the Indian peninsula to the distant regions of Syria, from whence it was diffused over Egypt and Asia Minor. The ancient caravan route from India to Syria lay through Persia to Babylon, and thence to Tadmor or Palmyra. The spot,—an oasis in the midst of a desert,—was chosen by Solomon as the central and most convenient for an emporium. Hither, the caravans from India and Persia unloaded their goods, and hither, too, the merchants from the Mediterranean disposed of their commodities in the best market.

The Ramayana then throws its light upon the question under consideration. It celebrates the events of a Hindoo expedition from the banks of the Ganges to Ceylon, through the wild and mountainous regions of the ancient *Dundoku-ranya*, or Deccan,—an expedition accomplished by travelling and toiling over nearly the same distance of ground that had to be marched by the ten thousand Greeks under Xenophon. In the Mahabharat, the mythic episode of the churning of the ocean evidently allude to a familiarity with the sea. The same work also mentions that Rajah Dhritorashtra of Hustinapoor had married a princess by the name of Gandhari, the daughter of the Rajah of Gandhara, a denomination still preserved in the modern province of Candahar. To pay homage at the Rajshaye of Yudishthira, there came people from Kamboja, near the Hindoo Kush. The princes of the Yadu-cula, or the descendants of Krishna, are known to have expatriated themselves as far as the Jaxartes. The name of Herat is supposed by Tod to be a corruption of *Heri-rood*. In the various Puranas, many

Hindoo Rajahs and Rishis of old are said to have gone upon holy excursions to *Uttarakuru* and *Upa-Meru*, the table-lands of the Pamer and Merv of our days,—places whence the Aryan Hindoos are supposed to have originally migrated to India, and of which their descendants cherished a fond recollection for several centuries. The Muni Marcando is thought by Vans Kennedy to have given his name to Samarcand.

To quote the tradition preserved by Berosus, a Babylonian and a learned Chaldean, who lived in the time of Alexander, and, as a priest of Belus, is supposed to have been well acquainted with the records contained in the temple of that god, it was a foreign nation, who, arriving by sea, first introduced, at some remote period, civilization and certain arts into Babylonia. According to that historian, “there appeared out of the Erythraean, or Persian Gulf, an animal endowed with reason, called Oannes. Its body was like that of a fish, but under the head of the fish was that of a man, and added to its tail were women’s feet. Its voice, too, was human, and it spoke an articulate language. During the day it instructed the Chaldeans in letters and in all arts and sciences, teaching them to build temples; but at night it plunged again into the sea.” \* Divested of the myth, the fish in the story probably indicates the form of the ship then in vogue, and the foreign nation spoken of must have been one who had preceded the Babylonians in civilization, and first taught them the useful arts of life. It is said to have gone up the Persian Gulf from the sea, and plainly refers to a maritime people who could hardly have been any other than the Indians;—those Aryan Hindoos, in all likelihood, who frequented the seas in the ages of the Rig-Veda and of Menu. It could not have been the Arabians, who did not attain a sufficient degree of civilization prior to the era of Mahomet. The question then remains to be decided between the followers of Zoroaster and the followers of the Gayitri,—cognate races from the same Aryan stock, who had spread themselves in different directions from Central Asia,—to work out their different destinies. Now, it appears from the statements of both Herodotus and Xenophon, that “the Persians were a rude people, possessing neither a literature nor arts of their own, but deriving what they had from their civilized neighbours. They had no earlier specimen of Persian writing than the inscription containing the name of Cyrus; nor any earlier remains of Persian art than the buildings and sculptures of

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\* *Layard's Nineveh.*

"Persepolis, and other monuments to be attributed, beyond a "question, to the kings of the Achæmenian dynasty." This was long after the period when, for several centuries, civilization and the arts and sciences had been flourishing along the banks of the Indus and Ganges, and also subsequent to the period when the Babylonians themselves had become distinguished as a powerful and civilized people. There is nothing in history or tradition against attributing the highest antiquity to the Hindoos; at least, there is no reason why we should not assign to them the same antiquity that is conceded to the Egyptians. "The monuments of Egypt," says Layard, "prove "that she did not stand alone in civilization and power." Sesostris invaded India when her empire was in a highly flourishing condition. In no period of their history, also, were the Egyptians famous as nautical men. The foreign nation who taught the Chaldeans in letters and the arts is said to have come up the Erythræan Sea, and could not have been the Egyptians. If it were neither the Arabians, Persians, nor the Egyptians, then it must have been the Hindoos, who should be considered as the nation that is spoken of in the Chaldean tradition,—a nation alike fitted by their civilization and maritime habits to sail up the Persian Gulf, and to communicate their knowledge and arts to the Babylonians.

The Babylonians and Assyrians carried on a considerable commerce with India, and we agree with Dr. Vincent, the translator of the *Periplus*, that "the embroidered work, and chests of rich "apparel bound with cords, mentioned by Ezekiel as brought from "Haran, Cannah, and other towns on the Euphrates, were not "produced by the ingenuity of the nations on that river, but "drawn from the more distant countries of Eastern Asia; and "that the trade across Arabia, by way of Dedan and Idumea, of "which *precious cloths* are mentioned as the staple, was undoubtedly an Indian trade." It is true that the Babylonians were noted for "the weaving of cloth of divers colours," that their town of Arech, on the Euphrates, was no less celebrated for its looms, than Dacca on the Megna; and that Babylonian curtains and draperies sold in ancient Rome for their costliness at the extraordinary sum of seven thousand pounds,—circumstances that probably led Pliny to attribute the invention of cotton-weaving to Semiramis. But it is now well known, that cotton is not indigenous to the country watered by the Tigris and Euphrates. The "wool grown upon trees," as Herodotus describes cotton, was then known only in India. To this day is indigo annually exported from India in Arab ships to the Persian Gulf. There can be little doubt that the Babylonians

were indebted for their knowledge of the art, as well as for their materials of weaving and dyeing, either to Hindoo merchants trading to their port, or to Hindoo artizans settled in their country.

“According to Isaiah,” says Colonel Wilford, “there were diviners and soothsayers in Syria and Palestine, from beyond the East, that is to say, from beyond Persia, and of course from India, 700 years before Christ; and that these long after found their way to Rome.”

The Greeks then illustrate the political and social condition of the ancient Hindoos. The Greek writers, though they strictly limit India to the eastern side of the Indus, speak of Indians beyond that river. The Indians whom Herodotus includes within the satrapies of Darius, occupied the territory that stretched for one hundred and fifty miles west from the Indus, and lay along the southern base of the Hindoo Koosh. Alexander found two tribes of Indians west of the Indus—the *Assaceni* and *Astaceni* in Paropamisus, and the *Oritae* and *Arabitae* near the sea. The Paropamisadæ were a people of Indian descent, but did not bear a very marked Hindoo character, in consequence of their subjection to the utterly alien influences of the Assyrians, the Medes, and the Persians. But, in the earlier ages, when these nations differed little from each other and from their brethren in the Gangetic plains, it was from them that a princess had been married by a monarch of the royal house of Hustinapoor. The *Oritae* were essentially Indian, owning the influence of the Brahmins, as still testified by the famous Hindoo temple of Hinglaz in Meckran. These Indians are thought by some to have extended themselves, in the days of Hindoo power, from the plains of India Proper; while others are of opinion that they formed that section of the Hindoos who stopped, in the midst of their migration from Central Asia, to settle in the mountainous regions of Affghanistan, and remained behind those Aryans who advanced eastward of the Indus, and adopted the religion which in time moulded itself in the form Brahmanism. Both the views are plausible enough, but further research is necessary to the final determination of the question. From these Indians it was that a body of troops had been raised to attend Xerxes in his invasion of Greece.

It is known to every school-boy, that Calanus accompanied Alexander into Western Asia. He was a high-born Brahmin, and at the same time an old man passed his eightieth year,—a period of life in which one abandons all ambition for earthly honours and emoluments. At this advanced age, and in spite of



the remonstrances and reproaches of his fraternity, he undertook to accompany Alexander out of India. He proceeded with that monarch through Gedrosia, the modern Meckran, till he arrived at Pasargada in Persia, where Alexander stopped to visit the tomb of Cyrus. Here Calanus fell sick from an attack of the cholic, and the Greeks who held him in great respect made every effort for his recovery. But he was a Brahmin who had his scruples of caste, and declined to observe the regimen prescribed by foreigners. Morally, to refuse medicine in illness is not less suicidal than a voluntary self-cremation on a funeral pile. Influenced probably by such a conviction, and under the infatuation of stoical magnanimity, the Hindoo sage chose the latter of the two alternatives, as becoming the dignity and fortitude of a man who belonged to a class that boasted many an instance of martyrdom. In vain did Alexander use every argument to dissuade him from his purpose. Calanus was determined to end himself by cremation. He was then ordered to be attended to the last scene with all honours, and was loaded with gifts which he distributed among his friends. He was carried to the funeral pile erected for him, on horseback, wearing a garland on his head in the Indian manner, and chaunting hymns from the Vedas as he passed along. On mounting the pile, he quietly laid himself down upon it, and, ordering it to be set on fire, consumed himself to ashes with a serenity that made a great impression on the by-standing Greeks,—a martyrdom that afforded a worthy subject for the tragic Muse of their Euripides.\*

In describing the castes into which the Hindoo nation was divided, the Greek writers expressly allude to the order of the *pilots* and *mariners*. The ancient army of the Hindoos is also described by them as having been made up of a fourfold division—the horse, foot, chariots, and elephants. In addition to these, Strabo makes mention of the commissariat and *naval* departments.

The next important and interesting fact to be adverted to, is the treaty of peace executed between Chundra Gupta and Seleucus. This general of Alexander, who, on the partition of

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\* “The true name of Calanus,” says Plutarch, “was Sphines. Because he addressed the Greeks with the word *Oale*, (Kulyane), which is the Indian form of salutation, they called him Calanus. It was this philosopher who presented Alexander with a good image of his empire. He laid a dry and shrivelled hide before him, and first trod upon the edges of it. This he did all round; and, as he trod on one side, it started upon the other. At last he fixed his feet on the middle, and then it lay still. By this emblem he showed him, that he should fix his residence, and plant his principal force in the heart of his empire, and not wander to the extremities.”

the Macedonian empire, assumed the sovereignty of Syria, undertook an expedition to secure the distant conquests of his master in India. But he was opposed in his design by Chundra Gupta, who had established a powerful monarchy in that country. On the unsuccessful issue of his undertaking, Seleucus entered into a treaty by which all the provinces eastward of the Indus were resigned to the Hindoo prince. To strengthen the bonds of amity between them, the Greek king gave one of his daughters in marriage to Chundra Gupta. Mutual presents were then exchanged by the two sovereigns. Seleucus next sent an embassy to the court of his Hindoo son-in-law, which forms a memorable incident in the history of our nation. The plenipotentiary, at the head of the Greek embassy, was Megasthenes. He came to Palibothra, and, taking up his residence in that famous metropolis, engaged himself in those enquiries which furnish some of the most valuable information regarding the state of Hindoo society two thousand years ago. In return for the honour done to him, Chundra Gupta also despatched an embassy with many rich presents to Seleucus at Babylon. Though the Hindoo authors have not preserved, or may have purposely suppressed, the fact of this matrimonial alliance with an alien and outsider, yet they have not failed to make an allusion to the friendship existing between the king of the Prasii (Hindoo Práchi), and the founder of the house of the Seleucidæ. They mention the Yavanas or Greeks as allies of the king of Magadha. The Hindoo drama of Mudra Rakshasha records the memorable political event of the usurpation of Palibothra by Chundra Gupta. He is represented there as nearly overwhelmed by foreign invasion, and extricated from its dangers by the arts and tactics of his minister, Chanakya.

The embassy of Megasthenes to Chundra Gupta was followed by that of Diamachus to his son and successor, Allitrochidas (Mitro Gupta). The transactions that next throw light upon the subject, belong to the reign of Asoca,—a chapter of Indian history that had become entirely forgotten, but which has, within a few years, been recovered from oblivion by the efforts of modern scholars. Asoca, corresponding with the Kalasoka of the Brahmins, was the grandson of Chundra Gupta. To quote the hyperbolic language of the Puranas, he brought "the whole earth under one umbrella." The extent of his dominions is best attested by the remote points of his edict columns. These are widely scattered from the frontiers of Cabul and Kattywar to Nepal and Orissa. The year of his accession to the throne of India was 263 B. C. Shortly after his becoming king, he sent ambassadors to the contemporary

monarchs of Egypt, Cyrene, Syria, and Macedonia. The Ptolemys and the Seleucidæ manifested in those days a great desire for diplomatic relations with the powerful king of the Gangetic valley. Originally a follower of Brahmanism, on his conversion Asoca did the same for Buddhism that Constantine had done for Christianity. He became an enthusiast in propagating his new religion, not only within India, but in all the adjoining countries that either acknowledged his influence, or maintained alliance and intercourse with his kingdom. He set in motion an itinerant agency to preach to his subjects, and erecting columns of stone in various parts of the empire inscribed with edicts for practising the tenets of his creed, put them up in every place of public resort. He assembled a great synod of Buddhists to determine upon foreign propagandism. He sent missions to the countries on both sides of the Himalayahs; to Cashmere, where he succeeded in extirpating the previous snake-worship of its inhabitants; to Gandhara; to *Aparāntaka*,—a place on the western frontier not yet made out; to *Suwarnabhumi*—either Burmah as supposed by Turnour, or the Arabian or Persian coast according to Lassen; and to Ceylon—called in that age, instead of Lunka, by the name of *Tambapani*, the Taprobane of the Greeks and Romans. The mission to Ceylon was dispatched under the care of Asoca's own son Mahindra. There seems to have existed in those ages a great intercourse between that island and the kingdoms in the interior of India. The speed with which the voyages were then made deserves particular notice. Thus, the ambassador from Ceylon, embarking at Jambuloka, near Jaffna, reached in seven days the place that we now call the Sandheads. In another seven days, the embassy reached from thence to Pataliputra. Again, when Asoca sent down his son with a branch of Buddha's sacred *peepul* tree, the vessel which bore him sailed in seven days from Pataliputra to the mouth of the Ganges, whence in seven days more it gained the coast of Ceylon. It is not a little interesting for us to know, that the voyage either up or down the Bay was performed in those days in nearly the same time that is now made by the modern clippers and steamers; and that the passage up and down the river was accomplished with a speed which, a few years ago, it was scarcely in the power of the Governor General to secure in his vice-regal tours, with all the means and appliances under his command.

The missionary efforts of Asoca were extended also to the distant Greek monarchies into which the empire of Alexander had been broken up. The enlightened and tolerant princes of the West, in their desire to attract the lucrative

commerce of India to their kingdoms, readily seconded the efforts of the Hindoo monarch, and received the "wheel of the law" in their countries.\* The success attending his foreign missions was a matter of great exultation to Asoca, who had the fact published to his subjects, and recorded for posterity, by inscriptions upon rocks and monoliths in different parts of his empire. Thus the inscription upon the rock at Girnar, now a sacred mountain of the Jains, at Guzerat, bears witness to the progress of Buddhism in the kingdoms of *Maka* (Magas of Cyrene) ; of *Antioko Yona*, (Antiochus Theos of Syria) ; of *Turamays*, (Ptolemy of Egypt), of *Gongakena*, (Antigonus Gonatus of Macedonia), and of *Alikasunai*, (Alexander the Second of Epirus). In further proof of this, the reader has to be reminded of the Butus or Buto of Egypt, the Battus of Cyrene, and the Bœotus of Greece,†—all, evidently, more or less, corruptions of the name of Buddha, and divinities which clearly point to their identity with the famous Hindoo Reformer. The political relations of Asoca with the princes of the West were so intimate, that he was called upon to interpose his influence in the war waged between Magas and Ptolemy. There is nothing to impeach the veracity of the history of Asoca so far as it has become revealed to us. But volumes of Buddhist inscriptions yet remain to be transcribed and expounded, which would throw light upon many points of Hindoo antiquity now enveloped in complete darkness.

The authority that follows next is Agatharchides, a writer of the second century before Christ, who gives indeed a meagre account of the Indian trade in his day, but expressly mentions that ships came from India to the ports of Sabea, the modern Yemen. Two hundred years before his time, Nearchus had made a coasting voyage from the Indus to the Euphrates. In that expedition, the Greek navigator did not meet with a single ship, nor see any signs of trade upon the sea. The only vessels observed by him were fishing boats in small numbers, and at particular places. But his statements are to be received with very great reservation, when accounts exist to show how the Hindoos were familiar with the sea from the Vedic ages, and when, only two centuries later, there is proof again of an active

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\* The Buddhist *wheel of the law*, a symbol seen by travellers visiting Ellora and Ajanta, was probably borrowed from the Assyrians, as it reminds us of the "wheel within wheel" mentioned by Ezekiel, in allusion to the winged circle, under which representation the Assyrians worshipped the supreme Deity

† See Bryant's Analysis of Ancient Mythology.

trade having been carried on across the ocean to Arabia. To conclude that this trade was not in the hands of the Indians would be very erroneous. There can be little doubt that the circumstances of Bhujya's expedition would not have been cherished in a Hindoo tradition, had he not belonged to their nation. Neither would Menu have put himself to the trouble of laying down rules that were to concern only foreigners and not his countrymen. The Hindoos would not have risked their money in loans upon foreign bottoms, had those bottoms been entirely out of their control. No capitalist in Calcutta now advances money upon bottomry of Nacoda ships and Chinese junks. There is proof of the Hindoos having been in Arabia. Dr. Buchanan acquaints us that "certain Jain tribes affirm "that they came from Arabia." Colonel Wilford, writing in 1811, says, "to this day there are certainly followers of "Brahma and Brahmins in Arabia, where many old names "of places are Sanscrit and Hindi." Nowhere is there the slightest intimation of any such political occurrence or social innovation in the history of the Hindoos, either before or shortly after the time of Alexander, as may have persuaded or compelled them to give up their long-inherited habits of a maritime life, and make over the trade of their country into the hands of foreigners. If the prejudices of caste be thought to have been a bar against their enterprise and outside intercourse, they must be remembered to have been not the less strong in the time of Asoca to withhold that prince from cultivating an acquaintance with foreign powers as remote in interest as in geographical situation. To admit the Hindoos to have navigated the ocean, and to deny in the same breath that the trade of their country was in their own hands, is a contradiction of facts. They would not have embarked upon the wide main upon a fruitless errand. They could not have been blind to the interests accruing from an active share in the trade with Arabia, Babylon, and other countries. The Arabs had not yet risen as a nation to assert their maritime superiority. Had Nearchus ventured out a little more to the open sea, he might have fallen in with the traders from Guzerat and the western coasts of the peninsula. The Hindoos were not yet a subjugated nation so as to have been superseded upon the elements, and the sea-voyages spoken of by Menu must be presumed to have been yet carried on by them without a rival. The circumstances which gradually disarmatimed the Hindoos happened long after the time of the Greek navigator.

The view taken in the foregoing paragraph will appear to be borne out by the facts that next present themselves for

consideration. It is not that the people on the sea-board of Western India were alone familiar with the ocean. From the earliest times, their countrymen on the opposite coast of the Coromandel, were also accustomed to similar pursuits, and distinguished for nautical experience. The ancient Dravidians, Carnatese, and Singalese appear to have been even bolder sailors and navigators. Their voyages in the Bay have been already noticed,—voyages that now strike us as invested with the colours of romance, and that have been entirely forgotten by the Settles and Madrasses of the present day, who are familiar only with the *catamarans*, and no other kind of vessels. The Bay of Bengal is a classic sea famed in legends and poetry. Its shores were objects of romantic interest to the nations of antiquity. The fair island of Ceylon, described by Marco Polo as “the finest in the world,” with its powerful kingdom, its rich products, and its spicy gales spreading an odour over the sea for thirty or forty miles; the sea-board of the Coromandel, forming the seat of the rich empires of the Pandjons, Cholas, and Telingas; the ancient Mesolia, (modern Masulipatam) famous for its cloths and carpets; the temple of Juggernaut and the Black Pagoda bursting upon the sight of the mariner; and the magnificent stream of the Ganges floating down upon its bosom fleets laden with the commodities of the richest valley in the earth,—all contributed to throw over the Bay a lustre making it as attractive as had been the Mediterranean with Tyre, Athens, Rome, and Carthage upon its shores. The legend of Balli, the Tamul Rajah of Mahaballipoor in the Carnatic, is fully significant of his empire over the sea. The peak of Adam’s Bridge has a fictitious interest flung over it by Valmic. The peninsula of Malacca glowed as a region of gold in the imaginations of Pliny and Plotemy, who bestowed upon it the name of the *Golden Chersonese*. It is much to be regretted that no accounts exist of the maritime operations of the ancient Coromandalese, to entertain the generations of the present age. Only a single instance has turned up for speculation and revival of the memory of their career. In the seventy-fifth year before Christ, there started a Hindoo expedition from the eastern parts of the peninsula, the cause of which is now an unknown mystery. It was an expedition in which had embarked a large body of Hindoos from ancient Calinga. Instead of plying within the usual limits of the Bay, the vessels carrying them boldly sailed into the open Indian Ocean, and arrived at the island of Java. There the adventurous navigators landed, founded a colony, built towns and cities, and civilized

the aborigines of the place. In time, the colony grew and attained a flourishing condition, and maintained an intimate correspondence with the mother-country for several centuries. The fact of this Hindoo settlement has been placed beyond a doubt by the numerous vestiges of the Hindoo language, Hindoo mythology, and Hindoo superstitions still existing in that island. Many inscriptions have been found there in a dialect evidently derived from the Sanscrit. The history of the island, its poetry and other compositions are also in the same dialect. There is the island of Balli, close to the east of Java, the name of which may have a reference to that of Rajah Balli of the Ramayana. That island is still inhabited by a race cognate to the Hindoos. The Chinese pilgrim Fa Hian, who visited India in the fourth century, found Java entirely peopled by Hindoos. He came to India overland by the way of Tartary and Cabul, but to return home he sailed in a Hindoo vessel from the Ganges to Ceylon. It was then a great Buddhist island, where he witnessed the consecration of a monastery by its Buddhist Rajah. From Ceylon the traveller proceeded as before to Java, and from Java to China. He expressly states to have made his voyage "in ships manned by crews professing the Hindoo religion." Indeed, the present inhabitants of Balli and Java are marked by a Malay physiognomy, but they are known to stick to those distinctions of the four great Hindoo castes, which plainly indicate their descent from the Hindoo race. To preserve the memory of their national origin, the Hindoo poets of Java have transferred the whole scene of the Mahabarat, with all the towns and cities, kings and heroes of the Jumna and Ganges, to their own island; similar to the Yankees who have adopted the nomenclature of Europe to designate the towns and cities in the United States. Not even the Hindoo gods had failed to extend their influence to the remote colony, and images of Shiva, Surya, and other divinities procured from Java, may be seen in the Museum of Calcutta. The Hindoo government was maintained at Java till the end of the fourteenth century, when it was overturned by those followers of Islam who had been converted by Arab missionaries in the course of the preceding century. It is a novel and interesting fact for the present generation, that a Hindoo colony had been founded in a remote island of the Indian Archipelago, and it excites their curiosity as to the kind of vessels in which their ancestors had been used to venture upon voyages into the great Indian Ocean. Probably, the Hindoos of that

time were a maritime people resembling the Chinese of the present day.\*

Strabo records that Augustus, when at Antioch, received an embassy with letters from an Indian sovereign. This was from King Pandyon of ancient Dravira. The embassy carried with it several valuable presents, as well as a variety of curious animals not commonly to be seen at Rome. Amongst the rarities was a man born without arms, and capable of performing manual functions by means of his feet,—a creature that reminds us of the *jungle-ka-admee* in the menagerie of the late kings of Lucknow, and of a black Brahmin, with a strong muscular body, but without any feet, who used to go, a few years ago, rolling upon his body, like an incubus, in the streets of Calcutta, and excited the pity of the passengers by his extraordinary exertions. There were also a serpent ten cubits in length, and a tortoise three cubits long. The ambassadors delivered to the emperor a letter written on parchment in the Greek language. In this letter the Hindoo monarch described himself as holding sway over six hundred crowned heads, and complimented the Roman emperor by adding, that great as he was, he was still anxious to secure the friendship of Augustus, and willing to perform all good offices for him. In this embassy was a man called Zarmanochegus, an Indian of Baragosa (Baroach). He travelled in the suite of Augustus as far as Athens. In that famous city of the Stoics and Cynics, he also, like Calanus, committed self-immolation before that emperor. The tomb of this unfortunate individual was to be seen as late as Plutarch's time, and was called the *Indian's tomb*.

Proofs of the intercourse subsisting between the ancient Hindoos and Romans, have been satisfactorily obtained from the discovery of Roman gold coins, both in the eastern and western provinces of Southern India. Many of these coins were buried in an obscure village near Cannanore. In 1851, a mere accident led to their discovery after the lapse of eighteen centuries. Some of the coins were found as fresh as if from the Roman mint, and they belonged mostly to the period of Augustus and Tiberius, and a few of them to that of Aurelian. To account

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\* "More than a thousand years before our era, in the obscure age of Codrus and about the time of the return of the Heraclidæ to the Peloponnesus, the Chinese had already magnetic carriages, on which the moveable arm of the figure of a man continually pointed to the south, as a guide by which to find the way across the boundless grass plains of Tartary; nay, even in the third century of our era, therefore, at least 700 years before the use of the mariner's compass in European seas, Chinese vessels navigated the Indian Ocean under the direction of magnetic needles pointing to the south."—*Humboldt's Cosmos*.



for these coins, some suppose them to have been brought by the emigrants accompanying the primitive Christians in their flight from persecution to India. But they may as well be thought to have belonged to some Hindoo merchant, who buried the treasures agreeably to the custom which has since been known to be so peculiar to the people of this country.\*

In the reign of Claudius Cæsar, a Roman publican who farmed the custom duties of the Red Sea, was driven by an adverse gale from the coast of Arabia on the island of Ceylon, where he found a flourishing kingdom and an enlightened sovereign. He induced the monarch of that island to send four envoys to Rome through the Red Sea, for the purpose of negotiating a commercial treaty. In one of these embassies, the name of the ambassador, as given by Pliny, was Rachias. The growing demand for Eastern commodities, consequent on the progress of luxury throughout the Roman empire, occasioned a diligent cultivation of the intercourse with India. A corresponding desire for that intercourse may be presumed to have existed also on the part of the Hindoos, who manifested it in those occasional embassies one of which is said to have proceeded as far as Spain. To the generations of the present day, the fact of a Hindoo embassy proceeding from the king of Ceylon to the court of Claudius, is an interesting theme for retrospective speculation. If an imaginary account of that embassy were to be drawn up now, the envoy of that day must be supposed to have sailed from somewhere near the present port of Colombo. Rounding Cape Comorin, he must have steered across the Arabian Sea, and touched at the port of Sabea (Jewish Sheba) in Arabia, the seat then of Queen Balkis, whom the Mahomedans confound with the famous Queen of Sheba who visited Solomon. His route then lay through the Red Sea, where the towering Sinai must have greeted his eyes, and the holy land of the Messiah loomed before him in the distance. In his progress through Egypt, he must have gazed with admiration upon the Pyramids, the Lantern of Ptolemy, and Pompey's Pillar at Alexandria. The envoy then may have visited Greece, or proceeded direct to Rome. In the imperial city, he must have seen the Forum, the Pantheon, the palace of the Cæsars, and the other glories of the Mistress of the World. He may have seen the triumphal entry of Claudius on his return from Britain. All these the ambassador must

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\* "Remarks on lately discovered Roman gold coins near Cannanore." *Asiatic Journal* Vol. XX., 1851.

have witnessed with a deep impression on his mind ; and, when he returned home, he must have told his countrymen of the mighty race that dwelt beyond the seas in Romoka, where it was midnight when it was sunrise at Lunka.\* He must have beheld them, and many other sights and scenes besides, with wonder, just as the modern Japanese and Siamese diplomatic agents wondered at every thing they saw in London and Paris. Fanciful as this picture is, it may be taken as a probable sketch, in the absence of a recorded account, from personal and *bond-fide* observations.

In the fiftieth year of the Christian era, there were astrologers from India practising their profession at Rome. The skill of these Indians disturbed the quietude of Nero, who had them banished from his capital. In their number was Apollonius Tyaneus, who afterwards travelled to India to complete his knowledge of the astrology of the Brahmins, and returned to Rome with seven magical rings from an Indian prince. The rings were made under the influence of the seven planets, and used to be worn by him on the corresponding seven days of the week, and thus he learnt every day the secrets of nature.

The "Periplus" then throws its light upon the subject we have undertaken to investigate. In that valuable record of an experienced practical sailor who had navigated the Red Sea, the Persian Gulf, and the coasts of Malabar and Coromandel, and who had resided for many years at Baroach in the court of its Hindoo rajah, Arabia is described as a country filled with pilots, sailors, and persons following a maritime and commercial life. No mention is made of any similar description of persons among the Hindoos. Nor is there any allusion to Hindoos living out of their own country, except those who with the Greeks and Arabs formed a mixed population, and were settled in small numbers on an island near the mouth of the Red Sea, supposed to be the island of Socotra. This is the first authentic statement on record that shows the Hindoos to have declined and fallen off from that maritime ascendancy, which they had maintained for a period of two thousand years, and to have been surpassed by the Arabs on the element which has since become the dreaded *kalapanee* to their descendants. But however the Western Indians may have degenerated, the same author speaks to having seen "large vessels navigating the Bay of Bengal to "the Ganges and Chryse." Considering the native craft that now meets the eye, either in Bengal or on the Coromandel, it is difficult to form an idea of the vessels that plied in the Bay some

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\* This was the opinion of the Hindoo astronomers and geographers.

sixteen hundred years ago. Doubtless, they must have been built to be sea-going vessels, capable of weathering the terrific storms of that Bay. The mariners of those times seem also to have regulated their voyages according to the Monsoons, and to have carefully studied the seasons free from such cyclones as, on the 5th of October 1864, rose in the sea, and, passing over Calcutta, foundered enormous steamers, stranded ships of two thousand tons in burthen, and swept away every tree and thatched habitation in a tract three hundred miles long; or such as, on the 2nd of November following, swelled the sea into a storm wave that rose six feet above the surface of Masulipatam, and washed away three-fourths of that ancient city. The knowledge of those times yet survives to guide the Arab vessels sailing without a compass or chronometer on board of them.

The vessels ploughing the eastern seas of India, certainly indicate an active trade in the age of the "Periplus." In that trade the people of ancient Bengal, or the ancestors of the present Bengalees, participated in a large degree. The tales of the romantic adventures of Dhunoputti and Sreemunto possess in them a nucleus of truth, which places the fact beyond a doubt. They were father and son, and two wealthy Bunniahs, a class of Hindoos always the most remarkable among their nation for enterprise and opulence. In the same manner that Shakspeare's Antonio had "an argosy bound for Tripoli, another for the Indies, a third for Mexico, and a fourth for England," did the Indian Sreemunto possess merchantmen trading to the Coromandel, to Ceylon, to Malacca, to Java, and perhaps even to China. The age in which he flourished it is now impossible to fix with certainty, as scarcely one circumstance of his history is presented to us in an authentic or even credible form. Both his father and himself are mentioned to have been held in confinement in ancient Sinkhul or Serendeep, the Arabic name for Ceylon. They were zealous followers of the *Devi*, and, probably, had been persecuted by the Buddhist rajah of that island. The adventures of their lives form an interesting episode in the *Chandi*. Later, in the sixteenth century, the author of the *Kobikunkun* undertook to commemorate those adventures, and has made a jumble of history and legend put together with an imperfect knowledge of geography, and little regard for chronology. They pretend to show in Satgong the *handal* tree to which Sreemunto fastened his boats, as if he had braved the dangers of the sea in *bhurs* and *pansways* of the present day. His age may be conjectured to have been identical either with the age of the "Periplus," or with that of Fa Hsien, who saw the Bay navigated by numerous vessels of

Bengal. Suffice it to say, that his story has a foundation in truth. But to the present Bengalees, the most anti-travelling people upon the earth, Sreemunto appears little better than a myth. His adventures are never related without the wild and marvellous entering largely into their narration, making them as fictitious as those of Sinbad himself. In giving an account of Sreemunto's voyages to Ceylon in search of his father, the poet makes the shores of our Bay objects of a mysterious dread, such as that with which the Ionians of the age of Homer had regarded the Straits of Scylla and the Island of Calypso. But it is not the fancy of a Hindoo poet alone that has attached marvels to the Eastern coasts of the Indian peninsula. The author of the *Periplus* also relates to have "sailed from Mesolia, and come next to a region of "terrors and prodigies,—one people with flat noses, and "another with horses' heads, reported to feed on human "flesh." The fiction of the devouring and disgorging of an elephant by the Devi in the form of a beautiful virgin, is not more wild than Procopius' account of Britain, "where "the ground was covered with serpents, where the spirits "of the departed were ferried over from the land of the Franks "at midnight, where a strange race of fishermen performed this "ghastly office, and where the boatmen distinctly heard the "speech of the dead, whose weight made the keel sink deep in "the water,—an account gravely related by an able historian in "the rich and polite Court of Constantinople, touching the "country in which the founder of Constantinople had assumed "the imperial purple." The Devi in the adventures of Sreemunto may have a reference to the idol of *Comari* at Cape Comorin, spoken of in the "*Periplus*;" and the countries of Ganjam and Orissa are now no more inhabited by men with horses' heads, than is Britain exposed to the horrors existing in the imagination of Procopius.

By the present natives of Bengal their ancestors are scarcely remembered to have ever been men of nautical celebrity. The past glories of their nation have been all effaced from their memory. Their former knowledge of ship-building has become totally extinct, and the largest native craft of our day can never venture into the open sea beyond Sangor. But in their ignorance the Bengalees blindly observe an annual festival possessing the most important significance. The ceremony of launching *Shooadoahs*, or tiny barks made of the plantain tree, and adorned with flowers, and illuminated with lamps, is plainly commemorative of those voyages which used to be undertaken by our ancestors some fifteen hundred years ago.

It is performed by Hindoo mothers to propitiate the Hindoo Amphitrite in behalf of their sons. The day, also, on which it is celebrated, indicates the study of the seasons by the ancient mariners of our country. It is the day on which, according to the Hindoo astronomers, the sun turns back from Capricornus to resume his northern ascension, and when the steady north-west wind yet blows auspiciously for outward voyages upon the sea. Feastings are held on that day as farewell entertainments to the voyagers. It is an interesting ceremony now scarcely understood or traced to its real origin, and which is blindly observed as an idolatrous mummery.

The graceful cocoa that lends so great a beauty to Bengal landscapes and gardens, is certainly not indigenous to our soil. It is not included in the creation of Brahma, but in that of Biswamitra, by which the Brahmins mysteriously signify its transplantation from a foreign country. It is a native plant of Ceylon and the Maldives, the acclimatization of which affords a proof of the ancient intercourse with those places. The mango also does not properly belong to the *flora* of India. It was first brought from the gardens of Ravana in Ceylon. The palm-trees, too, may be suspected to have been brought from China at some remote period, as also the mulberry.

The charming tale dramatised in the *Rutnavali* of Sree Harsha, furnishes evidence not only of the intercourse that existed, but also of the intermarriages that took place between the royal families of India and those of Ceylon. The name *Saugurika* means the Princess of the sea. She was the daughter of the king of Ceylon, and had been betrothed to an Indian prince of the continent. She was coming out by ship to be led to the hymeneal altar. On the way, the vessel met with a storm and foundered. The princess, however, was recovered and safely put on shore, whence she proceeded to the kingdom of her intended lord. The play was written and acted at the court of Rajah Harsha Vardhana of Kanouje in the middle of the seventh century. It alludes to incidents that were familiar in the age of the author. Those inclined to tax Hindoo literature with the want of sea-pieces or accounts of shipwrecks, will find them to be the themes principally treated of in the "*Kobi-Kunkun*" and the "*Rutnavali*," thus vindicating the Indian Muse from the hasty and unjust remark.

The ancient Hindoo intercourse was extended as well to the nations on the shores of the Mediterranean, as to those inhabiting the countries along the China Sea. In fact, it was cultivated with every civilized country then known in the world. "*China*,"

says Elphinstone, "the Hindoos certainly knew." But the time when they first became acquainted with that country is impossible to be known from any of their own writings. The Chinese annals, however, enable us to trace back this intercourse to a remote age. According to a tradition universally current amongst the Chinese, their celebrated philosopher, Confucius, was frequently heard to say that "in the West the true Saint was to be found." This was in allusion to Buddha, the great Fo whose religion the Chinese afterwards adopted, and with whom Confucius was contemporary. In making his allusions the Chinese philosopher must be admitted to have had a knowledge of India, where the Hindoo Reformer was propagating his doctrines at the same time that he himself was preaching his "Code of Morality" to his own countrymen. If he had no personal acquaintance with his famous contemporary, he must at all events have heard of him from such stray travellers as have been found in all ages and nations. He could not have spoken of him without a previous knowledge; and he did not utter merely the ejaculations of a dreamy enthusiast. To know who the Saint was of whom Confucius often spoke so mysteriously, the emperor Mingti of China sent *Tsay Tsing* and *Tsin King*, two grandees of his realm, on an embassy to India in the 65th year of the Christian era. On their arrival, the envoys found the Hindoos to profess every where the doctrines of Buddhism, and to worship an image of the author of that creed. During their sojourn, they also became converts to that religion, and when they returned home, they communicated the precepts of their new faith to their nation. This is evidently a Chinese version of the manner in which Buddhism was first introduced into their country.

Towards the close of the fourth century, the Chinese traveller Fa Hian visited India. He came on pilgrimage to explore the holy scenes of the life and labours of Buddha, whose religion he followed. He has left behind him an account of his travels called "Foe Koue Ki," or an account of the Buddhist countries, which throws considerable light on the state of Hindoo society in his age. Following his example, another of his countrymen, of the name of Hwen Thsang, a century and a half later, set out upon a similar mission, and has also left behind a narrative of his journeys, entitled "Si in Ki," or descriptions of the countries of the West. This work gives most valuable information as to the state of India in the first half of the seventh century. The Chinese annals, translated by De Guignes, notice in A. D. 408, the

arrival of ambassadors from the Indian prince Yue-gnai, king of Kia-pi-li, or Capili, the birth-place and capital of Buddha. This appears to have been confounded by them with the kingdom of Magadha. The name of Yue-gnai has been identified with that of Yaj-nasari, or Yajna, a king of the Andra dynasty, then in possession of the throne of Magadha. It is mentioned also in the annals of the same people, that in A. D. 641, there arrived another embassy at their kingdom, from a great Indian king called Ho-lo-mien, of the family of Kie-li-tie. The name of this monarch has, as yet, baffled every attempt at identification. Nor is it possible to identify him without a knowledge of the object of the embassy and the route by which it proceeded. If it be understood to have gone on a religious errand, then there can be little doubt of its having proceeded overland, and of its having been sent forward by a prince of Magadha, the cradle of that Buddhism which united so many nations under one common religion. If, however, the object of that embassy was the cultivation of mutual commercial intercourse, then it may be assumed to have been despatched by a prince of the Chola dynasty which, at the time referred to, held powerful sovereignty in the Carnatic. There is no other ground for this latter supposition than the analogy which exists between the names of Holo and Kie-li, and that of Chola; but an analogy, though little better than imaginary, is yet entitled to some consideration. It is worthy of remark, that the time of the first embassy coincides with the period of Fa Hian's visit, and that the second took place when Hwen Thsang was travelling from place to place in India.

Though no record exists in Hindoo books touching this friendly correspondence with the Chinese, there is the most distinct indication of an acquaintance with all the principal nations of the Western World. This indication is furnished by a writer of the seventh or eighth century, who is quoted by Mr. Colebrooke, and who states that the barbaric tongues in use amongst those nations are called *Parasica*, *Yavana*, *Raumaca*, and *Barbara*. The first three are evidently Persian, Greek, and Roman. The fourth most probably alludes to the *Arabic*, which has so near a resemblance to *Barbara*. In making this allusion to the several foreign languages, the Hindoo writer may be presumed to have known at least something of the nations which spoke them.

It was in the eighth century that Hindoo physicians are known to have found their way to Bagdad, and to have practised at the hospitals of that famous city. Two Hindoos, named Manka and Saleh, figured there as the Court physicians of Caliph

Haroun Al Raschid, just as Bernier did at the Court of Aurungzebe, or Honigberger at the capital of Runjeet Sing. The Hindoo doctors taught their profession to the Arabs. They explained the works of Charaka and Sushruto with a view to translation into Arabic. The emperor under whom they lived was a great patron of learning. He had invited also Hindoo astronomers along with Hindoo physicians to his Court. It is pleasant to think, how Hindoo Acharyas expounded the *Surya Siddhanto* of Varhamira in the colleges of Bagdad, and how Hindoo physicians cured the diseases of the inhabitants of the city of the Caliphs. The Arab writers openly acknowledge their obligation to the Hindoos, for the knowledge of those two valuable sciences.

Ceylon, the emerald isle of the Indian Ocean, is geographically separate from the Indian continent. But politically, that island is to be reckoned as having constituted an integral part of the great ancient Hindoo empire. The history of Ceylon properly forms an episode of the history of India. Its wealth, fertility, and beauty have been celebrated in the noblest song of the Hindoo language. As the scene of Rama's exploits and of Asoca's mission; as the place of Sreemunto's imprisonment and of Saugurika's birth, Ceylon has its name intimately blended with the events of Hindoo history. Under the same Tamulian race, the same Buddhistic creed, the same laws, language, and characteristics, the ancient Cingalese long formed the same nation with the ancient Hindoos, particularly with those who inhabited the Southern Peninsula. The maritime habits of the Cingalese, therefore, may be regarded to have belonged as well to the Hindoos. During the long interval between the sixth century before and the thirteenth century after Christ, the Cingalese had an active trade with India, Arabia, and Egypt, carried on as well in their own bottoms, as in the bottoms of the other nations. In the year 1153 A. D., a Cingalese monarch is said to have fitted out "a fleet of five hundred vessels to resent an insult offered to his ambassadors." Those disinclined to believe the Hindoos to have been a travelling or maritime people, ought not to pass over the fact of this equipment of a large fleet, without a due consideration of its importance. It stands indeed a single and solitary fact, but nevertheless valuable for that reason. In the absence of a connected chain of narrative presenting a regular naval history of the nation, solitary facts, turning up at long intervals, and serving to throw their glimpses of light upon the blank of history, just as light-houses illumine the bosom of the vasty deep, are enough for deductions and comment. The fitting out of a



fleet of five hundred sail bespeaks high naval superiority, and silencés all doubt as to the ascendancy of the Hindoos in the domains of the sea, in an age when broadsides carrying twenty-four pounders were unknown in the Indian Ocean. The structure and size of those vessels raise an interesting question for speculation. To imagine them as having been little better than the present *pulwars* and *bhurs*, would be to suppose the ship-building of the Hindoos to have been in the rudest state—a supposition incompatible with their general civilization and maritime superiority. In such a case, their vessels could hardly have answered for the ordinary purposes of commerce, much less for carrying on warfare upon the bosom of the sea. Bearing in mind the imperfect navigation of the ancients without the mariner's compass, and the want of that importance attached to navies which has led to their highest development in modern times, the shipping of the olden Hindoos may be presumed to have been not inferior to the galleys of the Romans. In the Chinese junk of the present day, we may see the counterpart of those ships in which the ancient Hindoos used to make their voyages to Java. Some faint idea of those ships may be formed from the information given to Vasco de Gama by Moorish merchants on the eastern coasts of Africa, to the effect that "towards the rising sun, there was a white nation who sailed in ships resembling those of the Portuguese, and "which ships were often seen passing and re-passing the ocean." This was doubtless in allusion to the Arab ships that then principally navigated the Indian seas. But even the Arab ships of those days could scarcely have been superior to the Hindoo vessels plying the ocean immediately before them, and anything spoken in favor of the Arab ships must be understood as applying also to the ships of the Hindoos. We may judge of the state of naval architecture in the fifteenth and sixteenth centuries, from the fact that Drake circumnavigated the world in a ship only of one hundred tons. Long did the Hindoos preserve their acquaintance with the sea; and the gradual cessation of their maritime pursuits may be dated from the eighth century of the Christian era until, in the lapse of ages, the annihilation of Hindoo sovereignty upon land brought in its train the annihilation of Hindoo sovereignty upon the sea.

In the army of Sultan Mahmood, there was a numerous body of Hindoo cavalry, under Sewand Rai, who took part in the troubles at Ghizni which followed on the death of that monarch. The famous mosque of the *Celestial Bride*—the wonder of the East in its age—was built by Hindoo architects

carried by Mahmood from Muttra and Kanouje. Vasco de Gama met with many Guzeratee Hindoo merchants trading to the Mozambique. Among the many visitors who waited upon that Portuguese navigator at Melinda, were several *Bunniah* merchants from Guzerat;—"Pythagorean philosophers, who held it a crime to kill or eat any living thing." A Hindco pilot, also, is said to have guided him from Africa across the wide expanse of the Indian Ocean. Rajah Maun Sing is known to have headed the expedition sent forward by Akber for the conquest of Cabul. The Rajpoot chief had hesitated to break through the prohibition of crossing the Indus. Akber addressed him two humorous couplets, and prevailed upon him to overcome his scruples. The son of Maun Sing was made the Viceroy of Cabul. Rajah Beerbul, the favourite of Akber, had also been despatched across the Indus, where he fell in an attack against the *Eusofzies*. The Siah Posh are an ethnological puzzle. They are a people who live in the upper part of the mountains of Kohistan, in Persia, and are called Kaffirs by the Mussulman Persians. Having no remembrance of the origin of their race, they now pretend to be the descendants of Alexander's soldiers. But Professor Ritter, and the German linguist Böpp, have proved them to be a branch of the Hindoo race, and to speak a dialect of the Sanscrit language. They worship the Indian Mahadeo, but know not any other god of the Hindoo Pantheon. There are remarkable relics in the valley of Bamean, in Affghanistan, where Hindoo Sepoys in the late Affghan war, wondered at sights and scenes that reminded them of their native country.

It is our opinion that Hindoo idolatry has a foreign origin. Under this impression, we would like to have the question discussed in the hope of having additional proof to corroborate our view. But it would be out of place here, to enter upon an examination of the question beyond a concise statement of the reasons for our belief. The primary doctrines of the Hindoo religion form an interesting subject for enquiry to the general student of Indian history, and particularly to the class of natives who manifest a zeal for the moral regeneration of their country. The oldest and most weighty authorities cited by the Brahmins for their religion, are the Vedas. It is yet scarcely safe to hazard any positive assertion respecting the system of religious belief and practice taught in those sacred books. But enough has transpired to give us a notion of the general scope of their doctrines. The primary and fundamental doctrine of the Vedas is admitted by all to be monotheism, whilst the apparent system

for its inculcation has a strong resemblance to Sabeanism. There are repeated texts inculcating "one Deity, the Supreme Spirit, the Lord of the Universe, whose work is the universe." On the other hand, there is not the slightest allusion to that important feature of later Hindooism, the *Trimurti*, or the Tri-une combination of Brahma, Vishnu, and Shiva. The Sabeanism of the Vedic Hindoos is distinguished from that of the Chaldeans, by its omission of the worship of the planets. The constellations are never named as objects of veneration. Only the elemental powers are invoked in the Vedas, and addressed in *Mantras*, or metrical hymns, forming the oldest poetry of the Hindoos. A progressive advancement of the literature of the Aryas, rendered it necessary, at a subsequent period, to illustrate the Vedas by supplementary works called the *Brahmanas*, or practical religious precepts, and the Upanishads, or argumentative treatises relating to theology. Though of considerable antiquity themselves, the *Brahmanas* and Upanishads are manifestly of a date long posterior to the Vedas. They range through a considerable period, and, as far as respects their general purport, belong to the same condition of belief, and to a period during which no change of any importance had taken place in the national creed. It is true, that the *Brahmanas* illustrate the origin and consequences of the Vedic ceremonies and sacrifices by traditional narratives and popular legends, but by no means does their religion savour of idolatry.

Next to the Brahmins are the *Sudras*. The gradual development of the powers of language had now made the Vedas almost unintelligible from the obscurity of their style, and the obsolescence of their terms. People knew the hymns, but did not grammatically or historically well comprehend them. Hence arose a body of interpretative literature to expound and elucidate the philosophy of the Vedas. The Brahmins still regarded them as the basis of their religion, and, far from attempting any innovation, held the tenets of their forefathers in the strictest integrity. If any change appears to have been effected by the philosophical Sutas, it is a change for the better; for the *Mimamsas* and Vedanta have certainly imparted a sublimity to the theology of the Vedas, by raising it from nature up to nature's God.

The next great authority is Menu, whose religion is based also upon that of the Vedas. The Hindoo law-giver maintains the Unity of God, but in some instances, his opinions appear to have fallen off from the purity of the originals. Still, however, he notices no *Avatars*, no Rama, no Krishna. There were no images, no visible types for worship in his age. Brahma is

indeed more than once named, but Vishnu and Shiva never. Their mystical union or the Triad has nowhere been hinted at in the "Institutes."

The Hindoo religion, rising from the worship of nature to theism, and then declining to scepticism, had at last, merged into atheism immediately before the time of Buddha. This great Reformer then published the faith the doctrines of which were aimed at the subversion of the Vedic institutions. The *Gomadhas*, the *Aswamadhas*, and other such Brahminical sacrifices, must have touched the heart of Buddha with their enormity, before he could have felt the necessity for preaching the doctrine of tenderness to animal life. He must have deplored also the evils of the caste-system and the domination of the priesthood, before he could have been led to desire a liberal order of things. It was on Sakya Muni's proclaiming the tenets subversive of Brahminical authority, that the Brahmins were first awakened to a sense of the decline of their orthodox religion, and of the danger which threatened to deprive them of their ascendancy. To meet argument with argument would have little benefited their cause. They had recourse, therefore, to an active persecution of their enemy, as well as to the last refuge of priestcraft—the invention of mythological fables and poetical legends to win over the populace: fables and legends that were first interpolated in the two great national epics, the *Ramayana* and *Mahabharat*, and subsequently served as the basis for the superstructure of their future polytheism.

To the Hindoo epopee then must be traced the first paving of the way for the reception of those religious changes which afterwards matured themselves into the idolatry of Puranism. No doubt, the *Ramayana* and *Mahabharat* had been originally composed by Valmiki and Vyasa with a view to transmit the fame of their great national heroes to posterity. But the hero-worship inculcated in those works is undoubtedly the interpolation of a later age, designed to oppose and rival the saint-worship of the Buddhists. As yet, Brahminism sought to uphold its influence partly by clinging to the Vedas, and partly by instituting the worship of heroes. The time was not yet ripe for the introduction of more outrageous innovations. The nation too greatly venerated the authority of the Vedas to allow the Brahmins to depart materially from the doctrines of those sacred writings. Had anything like idolatry been previously in existence, Buddhism would undoubtedly have striven to effect its downfall. The doctrines of Buddha at first sought but to express with greater refinement the religious sentiment of his age, and called for a reform of those

abuses that then oppressed the nation. Brahminism succumbed, for a time, to the predominance of the antagonistic creed. One of the most important events of Asoca's reign was the third synod of the Buddhists. In this synod it was determined, among other things, to put down the heresies which intriguing Brahmins, insinuating themselves into the Viharas or monasteries under the disguise of Buddhists, had been studious to sow amongst the faithful. Nowhere in the writings of the early Buddhists is there any allusion to the idolatry of the primitive Brahmins. "Shiva," says Lassen, "is mentioned in the most ancient Buddhist Sutras." But these Sutras must be referred to a considerably later age than that of Buddha. The edict columns of Asoca had been put up to interdict the killing of animals. Those columns would have enjoined forbearance also from idolatry, had it been in existence. The only initiatory step which the Brahmins could have dared to take, was to go a little beyond the myths and fables of the Brahmanas by introducing hero-worship, without having recourse, however, to any images or emblems of idolatry.

Then comes the information of the Greeks, extending from the fourth century before, to the second century after Christ. The writers at the time of Alexander's invasion, speak of the Indian Gymnosophists, and their religious practices and principles; but they speak not a word about the types or symbols of any Indian divinity. Megasthenes expressly states, that "the Indians believe in the true God, who has made the world, and governs it." It is not till the first century, that we find Strabo mentioning the Indians as worshipping Jupiter Pluvius (Indra), the Ganges, and other local gods. The worship of Hercules at Muttra, spoken of by that author, was observed by a colony of his own nation, and not the Hindoos. A century later, "Periplus" speaks of the temple of Comari—a goddess from whom Cape Comorin has derived its name. The travels of Fa Hian and Hwen Thsang plainly allude to the first faint beginnings of Puranic idolatry, and its struggles with Buddhism for prominence.

Here then do we find the Brahmins ascending from their early Sabeanism to a knowledge of the real character of the Divinity, and then descending to allegories, to poetical legends, to myths and fables, to equivocations, to the deification of heroes, and to other corruptions tending towards polytheism,—to plunge at last into that degraded system of all religions which tries to make the obvious and palpable prevail over the more abstruse and sublime—an intellectual phenomenon that humanity exhibits in the history of all civilized nations,

as the result of extreme religious speculations. There were many causes which brought on this change in the national creed. But the immediate cause to which it should be attributed, was the desire to counteract the influence of the Buddhists and restore Brahminical supremacy. By substituting corporeal entities for a vague and hopeless atheism, the Brahmins gradually succeeded in popularizing their religion, and eventually re-establishing their former domination. It is unnecessary to pursue any further the history of the Hindoo religion; to dwell upon the crusades of the Brahmins against the Buddhists; the rise of the Jains; and the branching out of the sects of the Brahmaites, the Indraités, the Shivites, the Sactos, and the Vishnuvites. Our object was to trace that religion to its decline and subsidence into idolatry; and we are to proceed now to examine the question, whether this idolatry has a native or foreign origin. Certainly, the germ of Hindoo idolatry may be found to lie in the early legends and fables of the Brahmins. But a careful study of the religious history of the ancient neighbouring nations would show that many of the types and symbols of idolatry, that seem to be the invention of Brahminical priestcraft, originated long before in Egypt and Assyria, whence, in all probability, we think, they were borrowed and ingrafted upon their religion by the Brahmins. "Various notions, personifications, and persons," says Wilson, "have, no doubt, been adopted from the Veda, and transmitted to subsequent periods, although not unfrequently with important modifications; but the great mass of the ritual, all the most popular deities, possibly the principal laws and distinctions of society, and the whole body of the heroic and Puranic *dramatis personæ*, have no place, no part, in the *Suktas* (hymns) of the Rig-Veda. The legends by which the Brahmanas sought to obviate the interpretation of Vedic theology, come most of them within the limits of historical probability. But in the Puranas, there abound the wildest and most improbable myths, bearing little or no reference to Vedic antiquity, and ignoring the fundamental doctrines of Vedic theology. In them, quite a different worship has taken the place of the elemental worship of Agni, Indra, Mitra, and Varuna." Vishnu is mentioned in the Rig-Veda as *Trivikrama*, or he who took three steps or paces, in allusion to the sun's rise, culmination, and setting. There can be no doubt that the expression was originally allegorical, and that it served as the ground-work of the Puranic fiction of the Vamana or dwarf Avatar. The Pouranic system appears to us to be partly founded upon national legends turned and twisted into absurd

fictions, and partly upon the polytheism of ancient Egypt, Assyria, Palestine, Greece, and Rome. There is evidence of this foreign admixture and fusion in the identity of several Hindoo gods and goddesses with the gods of the Copts, the Chaldeans, the Greeks, and the Romans. The *Osiris* of the Egyptians has become the *Iswara* of the Hindoos. Their *Horus* has been turned into the Indian *Heri*, and Typhon, sometimes called also Bhavan, into the Lord of Bhavani. The Egyptian Ken, the Assyrian Hera, the Syrian Astarte, the Greek and Roman Venus, the Arabian Mylitta, and the Hindoo Doorga, are all one and the same divinity, with modifications suggested by the difference of tastes and views of the different nations who followed the worship of the female generative principle. The Hindoo Doorga as well stands erect upon a lion, and holds a serpent in her hand, as does Ken in the Egyptian tablet, or Hera in the Assyrian bas-reliefs. The sun, moon, and trident that adorn the top of Shiva's temples, are precisely the symbols observed in the earliest sculptures of Nineveh. The bull has always held a prominent place in the religious systems of Asia, and the bull *Nandi* may be identified with the Egyptian Apis, or the sacred bull of the Assyrians, or the golden calf of the Israelites. The Hindoo Balaram may be suspected to owe the origin of its name, either to the Babylonian Belus, or the great Baal of the Semitic nations. Baal, the male form, and Beltis, the female form, were united to represent an androgyne divinity. The Brahmins borrowed the idea, and introduced the worship of Vishnu and Shiva under an incorporated form. The snake worship of the Tacshacs travelled from Scythia to Cashmere, and thence to Hindoostan. The emblem of Shiva may be traced to the phallic emblem of the Romans, and it may have been brought to India by the Hindoo astrologers practising at Rome. Many of the incidents in the life of Krishna, bear a close analogy to incidents recorded in the Old and New Testaments. Even the celebrated Hindoo Triad may be suspected to have been borrowed from the Christian Trinity, if not from the earlier winged emblem of the Assyrians. The very "wheel of the law" of the Buddhists seems to have been derived from the "wheel within "wheel" of the Chaldeans.

To multiply more instances would ill-suit the limits of this dissertation. Enough has been cited to show that our opinion is not altogether chimerical, or devoid of plausibility. When comparative mythology, like comparative philology, shall receive the attention it deserves, it will appear that heathenism, whether prevailing in Asia or in Europe, has always had but one common origin, and professed but the same common objects. It has

differed only in the immaterial respects of nomenclature, of typical modifications, and of ritualistic forms, to suit the purposes of nations as remote from each other in point of time as in geographical position. The great question for consideration is, which of the nations of antiquity it was, that first originated and inflicted mankind with the curse of idolatry. Certainly, this stigma cannot fall upon the shoulders of the Hindoos, who have been seen to start with the monotheistic principle from the earliest Vedic ages, and to rise step by step to the loftiest idea of the Godhead, as developed and expanded in the *Durshanas*. So far as historical researches have thrown light upon the question, heathenism appears to owe its paternity to the Egyptians, from whom it was borrowed by the Assyrians. It is to the Copts of ancient Egypt that mankind must bring home the charge of the invention of that idolatry which has been a bane to its happiness, and a bar to its progress. Priestcraft there developed itself first of all, among the nations of antiquity. For ages had Osiris and Isis and Apis been objects of worship in the valley of the Nile, whilst the people in the valley of the Ganges were busied in discussing and propagating the sublimest truths that form the ground-work of Socratic and Platonic philosophy. The Egyptian or Assyrian empire had long ceased to exist before their myths and symbols were transferred to India. There can be little doubt that Hindoo voyagers to Egypt, especially in the days of Asoca, and Hindoo caravans travelling from remote times through Persia, Babylon, Syria, and Asia Minor, first came in contact with the religious mummeries of those countries, and, becoming tainted with their principles and influenced by their attractions, brought the infection with them to their own native land, and imparted the contagion to the Brahmins, who utilized those mummeries by gradually assimilating them to their religion, as they were found to answer their own ends and necessities. The analogy and identity which Sir William Jones has first of all pointed out among the gods of India, Greece, and Italy, and the resemblances that Pocock has attempted to elucidate in his book very happily entitled "*India in Greece*," could never have been the result of fortuitous circumstances arising of themselves in the natural course of things, but should be ascribed to their derivation from one common Egyptian stock. In the Hindoo Pantheon, the principal idols are Shiva, Sacti, and Krishna. The oldest of them is Shiva, who is found mentioned in the earliest post-Buddhic Sutras. The earliest recorded fact about Sacti is found in the *Periplus*. The earliest recorded fact about Vishnu, who



is now worshipped under the incarnation of Krishna, is found upon the Iron Pillar at old Delhi. They are all of them not less than 2,000 years later than the gods of Egypt. None of the Puranas, which form the text-books of Hindoo idolatry, bear evidence of a greater antiquity than the 7th or 8th century. The *Sreemut Bhagbut* is said to have been written in the 12th century. Indeed, when the subject which has led us into this long digression shall have been sufficiently investigated, we doubt not it will furnish the most ample and convincing evidence of the Hindoos having been a travelling nation.

To sum up, now, the evidence that has been adduced. The Rig-Veda shows the ancient Hindoos to have been a naval people. Menu bears testimony to their sea-voyages as well as to their land journeys. The other Hindoo writers, and even the Puranic authors who mystify all accounts, confirm the same fact. The Greek writers speak of Hindoo navies, of Hindoo mariners, of Hindoo pilots, of Hindoo merchants, and even of Hindoo intermarriage with a Greek Princess. There were Indian religious missions, and Indian political and commercial embassies, to China on the East, and Rome on the West. There was the ancient Hindoo colony at Java, just like the modern English colonies at the Cape, or in Australia. The Chinese pilgrim, Fa Hian, speaks of his having returned home in a Hindoo vessel, guided by a Hindoo crew. The Arab writers speak of Hindoo physicians and Hindoo astronomers, teaching their sciences at Bagdad. All these are positive facts, tending to the positive determination of the question of ancient Hindoo travelling. Under the impenetrable obscurity which hangs over the deeds of the ancient Hindoos, these are the few isolated facts that have yet transpired and been gathered from the materials at present accessible to us. It is because these casual and detached facts are generally overlooked in a hasty study of Indian history, that people are often precipitated into the opinion which we have sought to contradict and refute. To include in that opinion both the ancient and modern Hindoos, is also a great mistake. That the former were by far a more travelling people than a mere superficial knowledge of them might lead us to suspect, has been made obvious by the facts seriatly and chronologically cited in the foregoing pages. Where solitary facts partially enlighten us, inferential deductions help us to arrive at a just conclusion. Indeed, foreign writers enlighten us more upon the subject than the Hindoos themselves. It is true that, to vindicate his nation, no Hindoo traveller visiting Egypt, Greece, and Rome, has left an account of the hundred

gates of the Egyptian Thebes, of the Lycæum of Plato at Athens, or of the grandeur of the capital and Court of Augustus, similar to Megasthenes' account of the towers and gates of Palibothra, of the philosophy of the sophists and Germanes, (Sramanas) and of the Court and camp of Chandra Gupta. No such record of his travels has been left behind by a Hindoo writer. But if no book of travels or voyages exists in the Hindoo language, there exists also no proper book of Hindoo history, and it is not to be concluded therefrom that the Hindoos had no existence as a nation. Probably, there did exist several Hindoo books of travels, but which have all perished, or were purposely destroyed by the Puranic Brahmins, to leave no clue for the detection of their frauds and fables. The invention of the alphabet is the glory of the ancients. The invention of printing is the glory of the moderns. Certainly, no book of travels left behind by a Hindoo writer would have so well proved the Hindoos to have been a travelling nation, as the single but comprehensive fact that Hindoo idolatry is of foreign parentage and origin. This speaks volumes in favor of the travelling habits of the ancient Hindoos.

The wild and imaginary geography of the Hindoos is also no proof of their having been a non-travelling nation. The interior of Africa, and the regions in the Arctic or Antartic zones, are not more unknown to the modern Europeans than was Siberia to the Hindoos, or Borneo to the Romans. The days of the ancients were the days of imperfect navigation, of insecure travelling, and of limited intercourse; and their geographical knowledge was in consequence more or less affected by all these circumstances. Nor should the system of the Puranic authors be taken as the true system of Hindoo geography. More rational systems, whether of astronomy or of geography, prevailed in the times before the Purans. That the earth is round,\* and is balanced in infinite space, were at one time common notions amongst the Hindoos. The rise of Buddhism attracted at the commencement but little notice, but became, in a few generations, the subject of a very acrimonious controversy. It strongly stirred the mind of ancient Aryaverta, and occasioned a wholesale change in the Brahminic world of letters. It may be doubted whether any dispute has produced stranger perversions of history, of laws, of literature, and of religion. The whole past was falsified for the sake of the present

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\* Megasthenes says, the Hindoos agree with the Greeks in thinking that the world is round.

and future. The events of ten or more centuries were distorted and are discoloured by a mist sprung from new theories and passions. The champions of the Brahmin faith did not carry on a fair conflict of reason with reason. They had recourse to the meanest tricks and frauds, and garbled and overlapped truth with inventions. They tampered with the books of their predecessors, and committed the most outrageous interpolations in them. It was to lend support to their religious innovations by references to history, to chronology, to geography, to astronomy, and to other branches of knowledge, that the ancient literature of India has been so much falsified and enigmatized by the Puranic Brahmins, and that so much darkness and uncertainty rest upon Hindoo history. The ancient Hindoos, as well as their contemporary nations, are now taxed with their imperfect knowledge of geography, just as two thousand years hence the present generations may be taxed for their imperfect *lunagraphy*, or knowledge of the moon.

Mr. Elphinstone, the most judicious and impartial of all Indian historians, observes, that "the Hindoos would have remained for ever unconnected with the world, if all mankind had been as exempt from restlessness and curiosity as themselves." This is plainly imputing to the Hindoos the want of those incentives which ever make a nation travelling. True, that the effects of foreign travelling often appear in what Lord Bacon calls "the pricking in some flowers of that a traveller hath learned abroad into the customs of his own country." If no such effect is visible in the institutions and manners of the Hindoos, it ought to be attributed more to their conceit than to that exemption from restlessness and curiosity which is supposed to have made them abstain from all foreign intercourse. The Hindoos grew up alone and unaided in the civilization which placed them in the foremost rank among mankind, and made them the teachers of the other nations of antiquity. Finding themselves superior to all the tribes living around them, they saw little to admire in the institutions of their neighbours, and nothing to imitate or borrow from them. Their national pride made them choose to live as it were in a "close borough," disdaining all communication with the outside *mletchas*. When the Greeks rose to a similar civilization, they too looked down with scorn upon all foreigners, and regarded them as barbarians. Notwithstanding, the Hindoos were not blind to recognize merit where it existed. This is seen in the Hindoo writers of the fifth century speaking with respect of the astronomy of the Yavans or Greeks. One of them even wrote a treatise called

the *Romaka Siddhanto*, or Roman astronomy. The policy prohibiting innovations from abroad, was acted upon only in the instance of religious or political matters. It was only when they were afraid of their interests being hurt, that the Brahmins took precautions against the permeation of any foreign light to India. Such a policy may have been cherished from a remote age, but its strict observance, did not become necessary until the decadence of the Hindoos into a dismembered, superstitious, idolatrous, and effeminate nation. It is always a policy of the weak against the strong, to avoid disastrous collisions—the contact of the earthen-pot with a brass-pot. There is a very common tradition preventing a Hindoo from crossing the Indus. Few can fail to trace it to the repeated invasions from beyond the Indus, as well as to the powerful sovereignties of Behramgur, Chosroes, Nowshirvan, and Sapor, in the adjacent country of Persia, which were sources of dread to the degenerate Hindoo. The prohibition is plainly a political admonition to warn Hindoo ambition from extending its influence beyond the Indus, lest any provocation should call forth the vengeance of an enemy in the weakened state of the Hindoos. The interdict would have been ineffectual without the accompaniment of religious terrors; and, for the first time, it sowed the seed of that aversion to foreign travelling in the Hindoo mind, which, in the lapse of ages, has grown into a chronic and hereditary repugnance. Two more things are also to be inferred from this tradition. By its pointing only to the Indus, it appears that the ancient Hindoos entertained no apprehensions from the side of the sea, and that the people of Hindoostan were less given to travelling than those inhabiting the Peninsula,—a distinction between the two sections of the people that should be borne in mind in a discussion of the subject under notice.

In endeavouring to wipe out the slur, and vindicate the ancient Hindoos as a travelling people, it is far from our mind to insinuate that they were either navigators or travellers equal to a Cooke or Livingstone. Travelling for the sake of experience or improvement; for geographical explorations of the source of the Nile, or of the North-West Arctic passage, like those of Captain Speke and Sir John Franklin; for the investigation of the *flora* of Polynesia, or for astronomical observations at the Cape, as made by Dr. Herschel; for geological researches in America, like those of Humboldt; or for philological enquiries in Central Asia, similar to those of Klaproth,—was altogether out of the question with the Hindoos or any of the nations of antiquity. In solitary instances did individuals, like Pythagoras,

Herodotus, or Strabo, set out upon voluntary journeys with other objects in view than those of gain. But in the majority of cases, men in ancient times travelled more from personal motives and necessities than from a literary or scientific curiosity. They were familiar only with a limited portion of the old hemisphere. The greater part of that hemisphere was as unknown to them as is the interior of Africa at the present day. Two-thirds of the earth were to them a "desert idle," which has in our ages been turned into a smiling garden. The trackless ocean could not have been navigated by them without the mariner's compass. Swarming numbers of wild beasts and wilder robbers made hazardous the journeys by land. The greater the difficulties and dangers of travelling, the more were the hospitalities of the ancients called into play. None cared to go through the risks, excepting those whose interests or stern necessities predominated over their fears. The ancient civilized world confined as it was to the Greeks, Romans, Egyptians, Assyrians, and Persians, formed but a small comity of nations, compared to that now represented by Great Britain, and the continental Powers of Europe; but in that comity of nations the Hindoos were not without their place and part. A spirit of foreign conquest, like that of the Persians or Assyrians, never actuated the Hindoos of old, because India by itself was to them nearly as large as Europe, and was split into numerous kingdoms, the bringing of which under one *umbrella* often kept their attention from being diverted to any outside conquest. The Aryan Hindoos took several ages to acquire the country from the aborigines, and to consolidate their possessions. Our ancestors, like our present rulers, were probably convinced of the uncontrollableness of an over-grown empire, an illustration of which was furnished by Calanus to Alexander. Besides, the religion of the Hindoos may be taxed with having always exercised a counteracting influence on Hindoo ambition and schemes of foreign conquest. It has never preferred political aggrandizement to the religious concerns of mankind. It has under-rated the importance of physical happiness, and laboured to make our nation yearn only for the skies. The Hindoo church is not an open tabernacle for the promiscuous reception of all outsiders. Suasion, and not the sword, it must be remembered, is the instrument with which Hindooism has always sought to hold its ground.

Individual men may be presumed to have been prompted to travel abroad by a literary curiosity, and to have left behind them a record of their travels, like Fa Hian or Ebu Batuta. Like Herodotus or Strabo, some Hindoo traveller of old may

have proposed to entertain his countrymen with a history of Egypt or Babylon. It may have been the case, that Mankah, the Hindoo royal physician at Bagdad, like Ctesias the Greek royal physician at the ancient Persian capital, consulted the public archives at the Court of the Caliphs, and thought of compiling from them a history of the rise and progress of Mahomedanism. But all such literature never suited the purpose of the Brahmins, and was, therefore, discouraged. In the same manner that Caliph Omar thought the Koran to be the only book that mankind needed, did the Brahmins think that religious literature and theology formed the only proper study of mankind. The policy of the Brahmins was to monopolize learning; to keep the Sudras shut out from enlightenment. Any foreign discovery or improvement that helped only to an increased knowledge in medicine, astronomy, architecture, or any other useful art, without leading men to interfere with their privileges and immunities, was thought harmless by them. But a history of the Roman Republic, or of the liberal institutions of the Athenians, would have opened the eyes of the Indians to the imperfections prevailing at home, and exposed the authority of the priesthood to the encroachments of the community. A censorship is now exercised over the Press in France, to repress everything pernicious to the interests of Louis Napoleon. The equivalent of such a censorship must be understood to have been exercised over the literature of India, to repress everything pernicious to the interests of Brahminism. The Brahmin was the great tyrant of literature—the arbitrary dictator in the Hindoo world of letters. He mutilated, expunged, interpolated, and mystified accounts just as they suited his interests. There was nobody to question his authority—nobody to detect and expose his frauds. Notwithstanding all precautions, the effects of Hindoo travelling and intercourse did not fail to make themselves visible in the adoption of foreign scientific theories, of foreign idolatrous images and symbols, and of foreign arts and costumes. The Buddhist temples are much in the style of ancient Egyptian architecture.

The edict columns of Asoca are evidently in imitation of the Egyptian obelisks.

Much has been said to vindicate the Hindoos of former times, and it remains now to speak a few words about the present natives. The ancient Hindoo was he who belonged to the pre-Puranic period, when his intelligence and wealth were considerable, his notions of God pure and lofty, and his spirit liberal and enterprising; when he had his own government, laws, and institutions, and his own national politics and economics;

when he had his own armies to protect his dominion upon land, and his own navies to protect his interests upon the sea. The position he occupied and the state of things in which he lived, made him a different creature altogether from the being who now bears his name and claims to be his descendant. The modern Hindoo properly dates from and after the Puranic period. Born and bred in subjection, ignorance, and superstition, he has grown an alien to his race in all respects, excepting those of lineage and hereditaments. He is disgraced by idolatry, and hemmed in by prejudices. He has no political existence. The Moslem first deprived him of his dominion on land, and the Arabs, the Portuguese, the Dutch, and the English successively drove him from the sea. The trade and manufactures of his country have passed into foreign hands. He has been reduced to a mere hewer of wood and tiller of the soil. Centuries of Brahminical tyranny, of national disunion, and of foreign subjection and misrule, have demoralized and depraved his character. He has long forgotten the glorious deeds of his nation, and now looks upon their adventures as those of a romance. He is void of all geographical knowledge, and his notions of the sea are as wild as the wildest dream. He has no incentive to action, and spends his life in one long inertia. He has no hopes beyond those centred in self, and no adventures beyond those occurring within his threshold. He rusts in idleness, and stagnates in ignorance and poverty.

In spite of all his drawbacks, however, the modern Hindoo is not without his travels. He is known to make pilgrimages to the most distant shrines—to Brindabun on the Jumna, to Pooshkur in Rajpootana, to Dwarka in Guzerat, to Setbunder near Cape Comorin, to Juggernath at Pooree, to Badrinath upon the Himalayas, and to Hinlaz on the coast of Meckran. There are religious mendicants who travel to Baku, the sacred fire on the Caspian; who go to Astrachan, and sometimes even to Moscow. Individuals of a Hindoo tribe from Shikarpore, a city near the Indus, settle as bankers and merchants in the towns of Persia, Toorkistan, and the southern dominions of Russia. A Hindoo merchant from Mooltan settled at St. Petersburg, and died there leaving some property, but no heir. The Russian Government wrote to the Secretary of State for India, to know whether the man had any relatives to whom it could make over the property.

The celebrated Rajah Ram Mohun Roy, the only instance of a glorious character to which Bengal can point in the whole compass of its modern history, was the first native to set the

example of breaking through the ice of prejudice, and embark for England. He went in an ordinary sailing vessel of the day round the Cape, and, arriving in England, was received with courteous attention and liberal hospitality. His reception was particularly cordial in the circles of the learned, and there are few things upon which his countrymen can reflect with such unalloyed pleasure as the founder of the Brahmo Sumaj holding philosophic discussions with the founder of the Benthamite School. In him the bones of a Bengalee mingled for the first time with English soil. He lies buried at Bristol,—a place not far from that where lie the mortal remains of the mighty Shakspeare. Hindoos from this side of the ocean should resort to his sacred resting place, with the same devout feelings that prompt individuals of the English nation to visit New Place in Stratford-upon-Avon.\*

The next instance is that of Baboo Dwarka Nath Tagore, who taking his passage in a mail steamer, travelled through Italy and France, on his way to England. He returned from his first voyage, and then went back to spend his last days amongst the *élite* of England. On the second occasion, he took with him one of his sons and a nephew, and two native medical students who were to finish their education in England. The success of the medical students encouraged others to follow in a similar path. There was one Bengalee who accompanied an Unitarian Missionary gentleman to America. Indeed, a native of Bengal, like Baboo Gayanendro Mohun Tagore, teaching Hindoo jurisprudence in the London University, reminds us of Plutarch instructing the citizens of Rome in the philosophy of the Greeks. Indian snake-charmers finding their way to London, are also like the Indian astrologers who found their way to ancient Rome. There are Indian lascars who often attract a crowd in the streets of London by the music of their tom-tom and other

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\* The *Hindoo Patriot* of May, 9th, 1864, published the following extract from the letter of a Bengalee gentleman in England about the tomb of Rajah Ram Mohun Roy at Bristol:—"Ram Mohun Roy's memory lives more in England than in his own country. I was surprised to find how all the people of Bristol cherish the name of that great man. Everybody we came across, had something to tell us of Ram Mohun Roy. His relics are preserved with the most anxious care. There is placed at the Bristol institution a full portrait of the Rajah, which cries shame to our countrymen who have done nothing to preserve his memory. Some one had to show us his bust, another the portrait of his son, Rajah Ram, a third the pair of gloves I have alluded to, and a lady, with whose father the Rajah was on intimate terms, presented us with locks of his hair which she has preserved."



novelties. The example of the Bengalees has begun to be followed by the Natives of Bombay. Already have half-a-dozen agency houses been established in London by the Parsees. The Guzeratees, who have been a maritime people from the Vedic period, and who were seen by the early Portuguese navigators to trade as far down the Indian Ocean as the Mozambique, and the mouth of the Zambeisi, have also established similar houses at Hongkong and Shanghai. The Marwarees, too, are trading in the track of the Guzeratees. Many Bengalees are employed as writers at Akyab and Rangoon. The opening of the Civil Service to the competition of Her Majesty's Indian subjects has set a spur to the ambition of Hindoo youths, with whom a voyage to England is now a foregone conclusion. Already has the grandson of Baboo Dwarka Nath Tagore come back a successful candidate from that competition. Two native gentlemen have also returned having finished their studies at the Inner Temple, and have been admitted to the bar of the High Court; while a third is still prosecuting his studies with the same object in view.

It has been our aim in these pages to vindicate our nation from an unjust opprobrium, and, at the same time, to disabuse the native public mind of the prejudices and erroneous notions that have been a bar to their progress and prosperity. At present no enlightened Hindoo thinks of anything so much as to see his countrymen take a place amongst the nations of the world. Intelligence, enterprise, and wealth must alone pave the way to the attainment of that wished-for object. The qualification of intelligence is the fruit of that education to which the nation must first of all direct its undivided and persevering attention. The possession of wealth is dependent upon enterprise, and a nation to be enterprising must cultivate habits of travelling, and enlarge the circle of its experience. The evidence which has been submitted to the reader seems hardly to leave a doubt as to our nation having been a travelling people from a pre-historic period. The benefit of forty years' education has set the natives to think, but not yet to act. It has enabled them to appreciate the use of the press and the platform, but has not as yet opened their eyes to the material benefits of foreign travelling and foreign trade. The necessity for a more enterprising spirit than has hitherto distinguished the natives of this country, is beginning to be felt. The days of cheap living and simplicity are gone, and those of high food, and high wages, and high taxation have succeeded. Luxuries, too, are daily multiplying, and growing into indispensables among the natives. The wants of a Young Bengal are

ten-fold more numerous than those of his father, and twenty-fold more numerous than those of his grand-father. Under his notions of decorous clothing and hygiene, under his refined feelings of the duties of domestic life, and under his enlarged sentiments of social benevolence, a Young Bengal cannot do now without an *alpaca chapkan* and a *gharry*, without a liberal education for his boys, and without contributions to public calls and projects. From trifles to his most imperative necessities everything is on the increase in a progressive ratio, except his income. Unable to make both ends meet, the gentry of Bengal are breaking down under their struggles. Undoubtedly, the hardship of their condition is owing to a complication of causes, of which the want of energy and enterprise must be acknowledged to be primary. Virtually, the ruled are not excluded from working in the same field with the rulers. The agriculture, the trade, and the offices of the country, are all open to the competition of the two races without any invidious distinction. But between the two races there is an inequality which legislation has not caused and cannot remove. It was the habit of Doctor Johnson to say, that he could not furnish an understanding to his readers. In the same manner, the Government cannot furnish any energy to its native subjects. If rightly understood, the dominion which the one exercises over the other, is more the dominion of knowledge over ignorance, of energy over effeminacy, and of wealth over poverty, than of the conqueror over the conquered. The natural effect of working on the same soil under such immense disadvantages, has made itself apparent in the state of collapse and pauperization to which the middle class of the natives is drifting. True, that the bench, the bar, the Government offices, and the counting houses, are all open to the ambition of the natives, but they all form a field too small for the teeming millions of India. Even if the whole Civil Service were, by the fiat of the British Parliament, opened this day exclusively to the sons of the land, there would not remain a vacant post on the morrow. Large numbers of those who annually come out of our schools and colleges, find the field pre-occupied, and are left to go adrift in the world. It is vain for them to repine at their political disabilities. To their want of energy they must attribute their poverty, and the want of energy is a shortcoming for which the Government can never provide a remedy. If they find the fields around them too hot for competition, they should turn their attention to other quarters. If it is found difficult to make money by preferring to live at home, they should overcome

their repugnance to a life of sojourn. If their operations be not attended with success in India, they should make up their minds to go to China, to Australia, to the Mauritius, to England, and to America, to try new fields and new resources. Education without enterprise is like sowing seeds upon a sluggish soil that never yields a speedy crop. A widely diffused enterprising spirit is always the antecedent to that widely diffused national prosperity, by means of which alone can our nation ever hope to occupy a conspicuous position in the eyes of mankind. Such was the state of India once, such ought to be the state of India again.

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## THE CLOSE OF THE OUDH CONTROVERSY.

ART. VI.—1. *Revenue Selections of the N. W. P. containing correspondence preceding enactment of Regulation VII. 1822. Calcutta, 1866.*

2. *Papers relating to under-proprietary right, and rights of cultivators in Oudh. Calcutta, 1865.*

3. *Further papers relating to the above. Calcutta, 1867.*

AMONG recent writers on Indian subjects, there has been a tendency to view the treatment by Government of the aristocracy, the natural leaders of the people, as the most prominent feature in the successive changes of Anglo-Indian policy. To those who do not possess the means of penetrating beneath the surface of things; indeed, to several who are in possession of those means,—notably to one great living and one great deceased historian of India, who from their official connexion with the country, might least have been expected to fall into such a mistake—it has appeared that those successive changes of policy have all been of the nature of revolutions. It has seemed that one measure did not grow out of another, the guiding principle continuing in all cases the same; but that experiment succeeded experiment; one theory was adopted, carried into practical action, found to fail in producing *all* the results that its sanguine advocates hoped from it, and immediately abandoned for another diametrically opposite theory, leading in its turn to a fresh series of experiments, and proving abortive, like those that preceded, because not founded on any general principles. And men who entertain such notions find a strong confirmation of them in this very point—the history of our dealings with the old aristocracy of the country. They point to the fact that three-fourths of a century ago, Lord Cornwallis made a settlement of the land of Bengal on an aristocratical basis; that the experiment being found to fail, the settlement of Madras and Bombay was concluded on the diametrically opposite system of permitting no one to come between the Government and the actual tillers of the soil; that in the N. W. P., and the Punjab also, Government, as a rule, though with occasional exceptions, recognized the peasant

inhabitants as the proprietors. The policy of Government, they see, underwent a fresh change when Lord Canning, condemning the "dead-level" system of our older possessions, determined to maintain the Talookdars of Oudh in the possession of the supreme property in the soil. They accept the common assertion that this policy, after continuing in force through the reigns of Lord Canning and Lord Elgin, was vehemently impugned by Sir John Lawrence; and that, though rescued from immediate repeal by the ardent advocacy of the Oudh officials, it is still in danger.

They know also that, in another matter intimately affecting the power of landed proprietors, the relations between themselves and their tenants, there have been the most violent oscillations of opinion and practice, and that the matter seems as far as ever from ultimate settlement; that there is a general consensus as to the necessity of some change in the law, both in Bengal Proper and the N. W. P.; and that in the Punjab it is at the present moment seriously proposed (nay, warmly urged) by many local officials, to withdraw entirely from all but an insignificant minority of the cultivators, that protection against the exactions of their landlords to which they were declared entitled some fifteen years ago. "There are," it was declared by the most sententious of our Indian statesmen, "the same oscillations of opinion in India as in England, only at home there is a gradual approach to finality—here there is not." And, in all these oscillations, observers have been prone to discover the action of theorists who evolve, as it has been said, systems intended to be put in practice, out of their own moral consciousness, and who apply foregone conclusions to existing systems rather than labour to work out guiding principles from a study of facts.

It is because there has, we conceive, been both in India and in England a great deal too much of this kind of talk, that we propose to give a sketch of the dealings of Government with the landed magnates of the Bengal Presidency; brief in the extreme, as regards the previous history of the question up to the initiation of Lord Canning's policy in Oudh; but more detailed as regards that policy, the modifications it has since undergone, and the controversies that have arisen thereupon.

It will be seen, we think, that in all these successive phases of policy, Anglo Indian statesmen have set before themselves, as their main aim, to discover existing facts, and to work out the most practical way of turning those facts to account. The tail of both parties—both those who most strongly advocate, and those who most vehemently impugn the claims

of the native nobles—have, of course, as is their wont, occupied themselves chiefly in carrying out to their extremest conclusions, the ideas adopted by their leaders. Of course, too, they showed themselves quite ignorant of the qualifications with which their leaders themselves limited the application of their principles. But it will be found that the originators of all these changes based their advocacy of them on the ground that the actually existing system was neither in accord with existing facts, nor with the notions of the people themselves. The changes have, it is quite true, been numerous and radical; but it is also easy to see how it came about that they were the work of men who yet acknowledged most fully the duty of being guided in all cases by the evidence.

There is, in the first place, the obvious reason that our countrymen came to the task of administration profoundly ignorant of the existing institutions of the country; profoundly ignorant too of the habits of thought of the natives, of the reservation with which all their evidence must be received, nay, even at first ignorant of the language in which that evidence was delivered. And yet the pressure of daily work was so heavy, the questions which rose up every moment for decision were so numerous, as to leave no leisure for detailed and exhaustive enquiry. It was necessary, moreover, to come to some conclusion on each question at once. Those ruling principles were therefore adopted (after an unavoidably insufficient enquiry) which appeared to be most in accordance with the features—necessarily the most obvious and least essential features—of existing institutions. And out of the principles thus hastily evolved there grew up gradually a system which we now see was thoroughly in disaccord with the real state of things. But it is the tendency of any system, when brought to bear upon questions of daily practice, to beget a set of circumstances conformable to itself. These not only help to conceal the inadequacy of the theory on which the system is founded, but also create additional complications in the way of its amendment. Gradually, however, the horizon of our statesmen enlarged. Each year added fresh data, throwing light on the sufficiency or otherwise of the theories adopted. And, just as in physical research, fresh discoveries continually throw doubt on old laws, and suggest fresh laws in their place, with, we may hope, the result of gradually discarding the accidental, and attaining to the knowledge of the essential characteristics of things, so it has been in the history of Indian administration. No process of political investigation known to an English statesman, whose ideas change only with his appreciation of

the changed circumstances of his time, and who, therefore, moves with his age, bears any analogy to the process by which an Anglo-Indian, approaching his subject from the standpoint of a far more advanced civilization, endeavours to comprehend the circumstances of the foreign country which he is called on to govern.

Furthermore, not only is the foreign enquirer impeded in his researches by this grave personal disability, but native society when interrogated by him gives no clear and definite response. He is on the look-out for rights clearly acknowledged by the people. Now, rights imply some tribunal by which they can be enforced and, in the times immediately preceding our own, the few existing tribunals were subordinate to the authority of undisguised violence. "With whom the cudgel, with him the chattel," is the proverb which rises most naturally to the lips of a native, when the talk turns on those by-gone days. There was, it is true, even in those days, a frame-work of society, and the different parts of that frame-work held together with considerable strength; but the tie which bound them together was the consciousness of mutual dependence—not respect for rights, or reverence for law. It was the need of support against the prevalent violence, which made the strong indulgent to the weak; it was the same sense of necessity which drove the weak to seek the protection of the strong, and even to make continual sacrifices in order to insure its continuance. And thus, even in the times of the wildest disorder, a kind of public opinion grew up which proved a surprisingly effectual guarantee for the peaceable enjoyment both of the fruits of labour and of the dues of superior authority. But, with the introduction of settled Government, and the establishment of regular Courts, this guarantee failed; and it was\* needful to devise rigid rules for the determination of the relations between class and class. But what rules? Of course, the natural impulse was to base them on acknowledged rights. Rights, however, there could be none, where the ultimate

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\* "Thought needful" we ought, perhaps, to say; for we fully believe that under a judicial system, such as that adopted by the French in their new colony, Cochin China, we should have avoided much of the disruption of the old social fabric which has characterised our rule in India. That system consists in using only *Native Judges*, and enforcing their decisions by an executive superintended by Europeans. We tried at first a somewhat similar system, but, because the tribunals were found not to come at once up to the standard of those in Europe, we abolished them in favor of others guided by European principles, which have only lately begun to win the confidence of the people.

appeal was to the sword.\* Customs there were, but they existed in forms too undefined and even too variable to be capable of reduction to written rules, without a far more painstaking investigation than was possible in those days. They were, in fact, tacit compromises between conflicting pretensions which, if stated in definite language and pushed to their extreme, would have mutually destroyed each other. And the precise nature of the compromise varied in different places, with the varying strength or weakness of the different classes of society. But the exigencies of a centralized system could tolerate neither such departure from uniformity, nor such an absence of definiteness; indeed, as we have already said, the officials of that time had neither the faculty nor the leisure for ascertaining their existence. The attempt made under such conditions to construct a definite body of rules naturally, therefore, led to this result, that a few of the main features of native society were at first selected to the exclusion of the rest. And the subsequent discoveries of fresh features led to those continual changes which we are endeavouring to explain.

Again, the introduction of settled Government has added enormously to the value of all property in the country. It is difficult to bring home the extent of this additional value to minds accustomed to the conditions of European life. Perhaps the early history of California and of our Australian Settlements affords the nearest parallel. We may mention as facts within our knowledge, that during the later years of Native Government in Oudh, the selling price of land on our side of the border was *ceteris paribus*, more than five times what it was in Oudh itself. Similarly, men who just after the annexation of the Punjab manifested the most complete indifference as to whether they were or were not recorded as proprietors of entire villages, now go to any lengths in contesting a claim for the smallest patch of land. A question then arises as to the distribution of this additional value. Not that the question has ever been put in so many words before our statesmen; but, whether they are conscious of the fact or not, the inevitable tendency of our regime is to distribute this additional value in a proportion more favourable to one class than to another. For, in this matter, however anxious men may be to guide themselves by evidence as to previous facts, it is impossible

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\* Whenever, in the course of our remarks hereafter, we use the word *rights*, we would be understood to mean facts actually existing. We pause not to determine in each instance, whether they were based on mere favor, or on public opinion, or on traditional custom.



to do so. The very hypothesis pre-supposes that there is something created which was unknown in the previous state of society. Of course, to a truly conservative statesman, gifted with a becoming doubt as to the power of an alien race to devise institutions better for the people than those indigenous in the country, it would be a prominent object to maintain untouched the existing relations of the several classes, and with this view to distribute the increased value newly added to property, in such proportions as to disturb their relations in no way. But such thinkers are rare even in the closet: when have they been common in the forum? Most Anglo-Indian administrators will always feel more inclined to dwell on the failure of the indigenous constitution of native society to carry it far in the path of progress. Even now, after all our experience, how often it is necessary to remind men that this failure was due, not to the badness of the institutions, but to the bad spirit in which they were administered. We cannot, therefore, wonder that, with a fresh recollection of the corruption that had marked the last days of native rule, the founders of our system, however determined to maintain all actually existing privileges, should have thought that the only hope for the future lay in adjusting the balance between the several classes of the community on principles more suited to the notions of a progressive civilization.

Here then, we fully admit, theories were allowed to sway men's action. There was a tendency, unavoidable we think, to distribute the surplus value *created* by settled Government, according to pre-conceived ideas as to which of the various classes it was, in the interest of the whole community, most desirable to foster. So it has been throughout, and so, we think it will be again if ever the circumstances recur. If the tendency of the day is in favor of large landlords, the whole of the surplus will go to them. If, on the contrary, peasant proprietors are looked on as the strength of the State, then they will be aggrandized at the *expense* of the rest. We say at the *expense* of the rest, deliberately; for though nothing is taken away from them which they had before, and though, therefore, their absolute status remains as it was, yet their relative status is changed, and we do not need Mr. Darwin to tell us that, in the struggle for existence, this is quite sufficient to determine the ultimate exaltation of one class and degradation of the other.

## II.

From these preliminary observations, tending to show how inevitable it was that there should be changes of policy in the dealings

of the British Government with the nobles of India, we come to the discussion of the changes themselves. The class affected has been at different times distinguished by very different names, but we may conveniently use, throughout, the name of Talooqudar, which has been always most common, and has been brought into especial prominence of late in connexion with Lord Canning's policy in Oudh. The memory of a host of controversies will be aroused in the minds of our readers by the mere mention of the word "Talooqudar," or holder of a "Talooqua." The etymological meaning of the word; the relation of the Talooqudar with his superior, the State; his relation with his inferior, the village occupants,—have all been hotly contested. There are, at least, five different statements and counter-statements on this subject.

1. The word Talooqua signifies a dependency upon something else.

On the contrary, the word signifies that on which something else depends.

2. The Talooqudar is ordinarily a mere middleman put in by the Government of the day, to collect the revenue from the villages which composed his estate, and which were found to be possessed of a more or less complete organization of their own.

The Native Government never put in any one to collect the revenue except an official of its own.

3. The Talooqudar was generally an outsider unconnected with the individual villages which formed his estate.

The true Talooqudar was never unconnected with the village, but was closely and for many generations connected with it.

4. Whatever property there was in the soil was vested in the village communities.

The proprietary right was vested solely in the Talooqudar.

5. The Talooqudars, if regarded as anything but mere official middleman, held but a small proportion of the land at the time of the introduction of British rule.

The bulk of the lands were held by Talooqudars, who were in the North-West Provinces ruthlessly dispossessed by our officers, and their lands given to the village communities, their

own servants. And it is generally added that this dispossession was carried out in deference to the known views and orders of two noted Civilians, Thomason and R. M. Bird, in the years immediately preceding and succeeding 1840.

The etymological difficulty can be easily cleared up on the unquestionable authority of H. H. Wilson. He defines the word thus :—

Talooqua (from *علق* to suspend from, or depend upon) connexion, dependence, possession, property, a dependency, a district, a division of a province, an estate: applied to a tract of proprietary land usually smaller than a Zemindance, held, in Bengal at least, at a fixed amount of revenue, hereditary and transferable as long as the revenue is paid. A Talooqua was sometimes granted by the Mogul Government at a favorable rate, as a mark of favor, or on condition of clearing and cultivating waste lands.

Then it is clear that etymologically and originally the Talooqua was a dependency. It was a fief held from the Crown or from a Crown-official, but differed from a fief in being held on the condition, not of rendering military service, but of collecting the revenue on behalf of Government. And, as in the case of the fief of mediæval Europe, the notion of the property in the soil enjoyed by the Talooqudar, eventually obliterated the memory of the condition on which he held; so that "Talooqua" became a term for one kind of property. It is illustrative of this that in all documents during the earlier years of our rule, (*e. g.* the Regulations of Bengal Proper), the Talooqudar is spoken of as the holder of the inferior and dependent right; whereas, throughout the Oudh discussion, he is spoken of as possessing the superior or over-riding right.

Thus, on the etymological point, the opposite definitions of the two schools are both seen to have been true,—not simultaneously, but successively, and the case is much the same as regards the much controverted relations of the Talooqudars with the Crown and the village communities. No definition can be laid down as applicable throughout, during the century of our *regime*, but there was a time when, as a rule and with frequent exceptions, the Talooqudar was a mere middleman. At a later time and under other circumstances,\* he was more than this; so much more, in fact, that whatever right of property in the soil existed, was vested in him rather than in any other class of the community. To understand this it will be needful to diverge for a time into the history of land-tenure in Northern India.

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\* See: in the later days of the Oudh kingdom.

We quite accept the theory put forth by the ablest of the Oudh officials who have treated the matter historically, that originally, on its first settlement, the whole of the land was held in common property by a clan of immigrants, the idea of separate and individual property being foreign to the notions of that early age. The clan had, however, a leader, at first the mere representative of the rest on the comparatively few occasions when united action on the part of the whole was called for. The progress of society, and the increase of communication, led in time to a multiplication of these occasions; and this again tended to throw increasingly more and more power into the hands of the chief. Not only so, but the headship descended by the rules of primogeniture, while among the rest of the clan property underwent an incessantly recurring process of sub-division among the members of each fresh generation.

Inevitably, therefore, the separation between the position of the chief and that of his fellow clansmen continually widened, and, had there been no opposing force, no circumstance tending in an opposite direction, we could conceive that he would eventually have become absolute owner of the soil. But there were many such counteracting circumstances. In the first place, the notion of joint property vested collectively in the members of the clan, historically preceded the notion of any distinct and over-riding right of property vested in the leader. And the memory of this fact would always endure, however much the subsequent course of events may have given importance to the chief at the expense of the clan. Again, traces of separate village communities, each with a separate existence of its own, date from the very earliest ages of Hindoo antiquity. In the laws of Menu, the village community is recognised as the unit in the social fabric, and the only aristocracy known are the lords of two thousand, one thousand, ten villages, and sometimes even of one. We cannot give a better idea of what these villages are, than in the following often quoted words of Lord Metcalfe :

The village communities are little republics, having nearly everything they can want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down, revolution succeeds to revolution : Hindoo, Patan, Mogul, Mahratta, Sikh, English, are all masters in turn : but the village community remains the same. In times of trouble they arm and fortify themselves : a hostile army passes through the country : the village communities collect their cattle within their walls, and let the enemy pass unprovoked. If plunder and devastation be directed against themselves, and the force employed be irresistible, they flee to friendly villages at a distance : but when the storm has passed over, they return and resume their occupations. If a country remain for a series of years

the scene of continual pillage and mas-acre, so that the village cannot be inhabited, the scattered villagers nevertheless return whenever the power of peaceable possession revives. A generation may pass away, but the succeeding generation will return. The sons will take the places of their fathers: the same site for the village, the same positions for the houses, the same lands will be re-occupied by the descendants of those who were driven out when the village was depopulated: and it is not a trifling matter that will drive them out, for they will often maintain their post through times of disturbance and convulsion, and acquire strength sufficient to resist pillage and oppression with success. This union of the village communities, each one forming a separate little state in itself has, I conceive, contributed more than any other cause to the preservation of the people of India through all the revolution and changes which they have suffered, and is in a high degree conducive to their happiness and to the enjoyment of a great portion of freedom and independence.

There is no mystery about the mode in which these communities came into being. On the first settlement of any clan, the necessity of quenching the sparks of hostility remaining in the neighbourhood may perhaps have kept the clan together in one spot. But as soon as dominion was secured, continual offshoots separated in all directions from the main stock. Multiplying and peopling the land, each offshoot became in its turn the parent of a separate series of ramifications that formed into organized communities, each holding a separate area of land in common. The process has been repeated continually within the observation of the present generation; nay, in the wilder parts of the country, it is going on under our eyes every day.

The offshoots acknowledged the leadership of the common head of the clan, but inasmuch as they each from the first had an organization of their own, their subservience was neither so necessary nor so complete as if *he* had been the one man powerful to act, amidst a mass of men without bond of union or corporate existence except such as centred in him. Not only so, but the leader stood in constant need of the support of the clan. If, without him, they would have been a collection of disunited atoms, unable to take common action in any matter, it was equally true that without their hearty support he would, even oftener than actually happened, have fallen a victim to the ambition of his neighbours. He was thus compelled to respect the rights of the village communities, and to refrain from swallowing up their property in his own by the exercise of a power which, though for the moment it would probably have effected his object, would have left him without support in the hour of his need.

When the time came for settled Government, his power suffered a more serious diminution. In all the records of

Hindoo antiquity there is no recognition of any right of property intermediate between the sovereign's ownership of the whole soil, and the right of the cultivator to the fruit of his own labour. That there was, notwithstanding, some such intermediate right is held by many as an inference from the fact that the State, in the time of Menu, contented itself with a rental of one-sixth of the gross produce, thus leaving so large a proportion in the hands of the tiller as must of necessity have led to the growth of middlemen. Even if there were such however, they must have been something different from the lords of particular numbers of villages, because for their support a distinct provision is made by the laws—a provision such as to exclude the idea that they were regarded as landed proprietors. And whatever might have been the case in the time of Menu, when the State was moderate in its demands, there could be little room for the growth of intermediate rights of property in later Hindoo times, when the State demanded one-third and even a greater share of the gross produce; still less room could there be in the times of the Mahomedan conquerors, when, even under the system of the benevolent Akbar, two-fifths of the gross produce went to the State: still less in the times of his successors, when the demands of the State grew with its necessities to one-half and even more: least room of all, when settled Government came to an end during the decrepitude of the Mogul Empire, and each district official farmed the revenues of his district to a parcel of contractors eager to squeeze the uttermost farthing out of tenants of the soil, in whose permanent condition they had no interest whatever.

Incompatible as was the revenue system of the Native Government with the growth of a large body of landed proprietors, its administrative system was even more so.

Like all absolute Governments in the East, it was paternal, and claimed that each of its subjects should look to it and it alone, for direction and support. Like all oriental Governments, moreover, it ruled through what we should now call a bureaucracy. On both of these accounts the territorial magnates were obnoxious to the central Government. Their power and importance marked them out as the natural rivals of the local officials, and, as the natural protectors and guides of their dependents, they attracted to themselves the respect and obedience which the central Government claimed as exclusively its own. Finally, as an absolute Government is never free from uneasiness about its own safety and durability, it regarded with anxious suspicion those whose position marked

them out as the natural leaders of the people, in case of insurrection. It was therefore the systematic policy of the Mogul administration to depress the landed aristocracy,—a policy so successful that at the time of the introduction of British rule, there were (with exceptions it is true, but they were rare,) little traces of the old noblesse, in any but the parts most inaccessible from their natural characteristics, or most removed by distance from the seat of Government.

This destruction of the large landed proprietors, which formed part of a settled policy while as yet a strong Government existed, continued during the disorders that attended its decrepitude. During those troublous times, the country was swept at intervals by the Mahrattas and Rohillas, by armies of mercenaries and free lances, now supporting the Government against a local chief, now helping him in insurrection against Government: at one time assisting him to crush all the neighbouring lords, at another ejecting him in favor of some fresh upstart—himself destined, in his turn, to a fall as precipitate as his rise had been sudden. Gradually, however, three powers emerged from the sea of anarchy, the Mahrattas, the Viceroy of Oudh, and the Viceroy of Bengal. Much as the administrative systems of these three powers varied, they were all based on the same consideration,—how to get the maximum of revenue for the necessities of the year, and how to get it most easily. It was by this time indisputably acknowledged, not only that the land belonged to the state alone, but also that it had a right to all the produce that could be extracted, leaving the actual tiller merely sufficient for his subsistence. This theory quite excluded all notion of a beneficiary interest in the soil vested in any one but the State. But, in spite of theory, a great variety of men were, as a matter of fact, in the enjoyment of a beneficiary interest. There were first of all the headmen of the village communities, in these Oudh papers generally called the village proprietors, who were either originally elected by the rest as their representatives for all purposes of common action, or came to be regarded as such in virtue of representing the families by whom the villages had been originally founded. These were, again in many cases, found in subordination to territorial magnates,—a very heterogeneous class, composed partly, as we have already said, of descendants of the old chieftains; partly of Mogul officials, or Court favorites whom the Government had appointed as temporary managers of its estates, but who had contrived to turn their temporary into a hereditary tenure; partly, even in those times, of contractors, whom the indolence or rapacity of the Mogul agent had led him to

employ for the purpose of extracting the maximum of payment by the least troublesome method. The village proprietors were, by a prescriptive right, the origin of which it is not now needful to explain, considered entitled to a subsistence allowance *plus* the indirect profits of management, so long as their superior (whether the Statè itself or another middleman\*) used their services; and to a sum equivalent to this subsistence allowance, whenever it suited that superior to set them aside and deal directly with the cultivators. Similarly the superior middleman, if of any long standing, was held entitled to an allowance as long as his functions lasted, and to an equivalent allowance whenever he was set aside. This allowance was called his *nankar*, meaning literally his "bread," and was in the Gangetic Delta only one per cent. on his collections, while throughout the bulk of Northern India it was theoretically 10 per cent. In the case of the village proprietor, it generally took the form of a certain portion of land held free of charge. In the case of any superior middleman, it was a deduction from the amount which (collected from those below him), he was bound to pay into the Treasury. Besides the *nankar* held free of *all* charge, the village proprietor had generally also his *seer* † lands, lightly charged in comparison with other lands of the village.

Now, as long as the amount due from each village remained, as it had been in the time of Utkur, a fixed sum, and therefore collected with certainty; moderate, and therefore collected with ease,—there was little disposition on the part of the State, or of its local agents, to disturb the existing system, by which the tillers of the soil were subordinated to the village proprietors, and they again were in certain cases subordinated to middlemen of some standing in the country. But to the moderate amount fixed by Utkur, continual additions were made in the shape of cesses, which though continually increasing with the increasing necessities of the State and of its agents, could not always be collected, and constituted therefore a fluctuating element in the demand. To make this fluctuating element as high as possible was the perpetual aim of the revenue authorities, and with this view, they employed more and more the services of contractors who had no interest but to make their exactions as

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\* We desire to attach no controversial value to the word middleman, as here used. It merely represents the undoubted fact that these nobles were, like the village headmen in an inferior degree, intermediate between the State and the tillers of the soil.

† We must beg our reader to remember these two words *nankar* and *seer* as they figure largely in the Oudh discussion.



searching as possible. For such work the hereditary aristocracy of the country, whatever the origin of its members might be, was obviously unsuited; and the tendency was, to set them aside in favour of outsiders unconnected by interest or hereditary feeling with the rest of the inhabitants. Still more was this tendency felt as anarchy grew greater, and as the tenure of office by each successive local Governor grew more precarious.

Thus it happened that when anarchy was at its height, as it was when Bengal fell into our hands a hundred, and the North Western Provinces sixty, years ago, the system of farming the revenue to temporary contractors was found all but universal.

In both cases the *status quo* was continued unchanged, for the first few years only in the N. W. P., but altogether, and in perpetuity in Bengal Proper. It was, of course, natural that the existing machinery for the collection of the revenue should be maintained. And indeed, only a very few enquirers who had penetrated below the surface of things, ever suspected that there were any rights in the soil which would be injured by a continuance of the *status quo*. It is to be noted also that, though we now see that there were discoverable traces of organized village communities similar to those of the Upper Provinces, yet those traces were faint, and no one at the time had the least suspicion of their existence. The choice seemed, therefore, to lie between a settlement of the land revenue with the same comparatively small body which the native Government had recognized, and a settlement with the actual occupants of the soil, the ryots, an immense and heterogeneous mass, without, as far as appeared at the time, organization of any kind. It is nevertheless true that such men as Warren Hastings and Shore were anxious for an investigation into the tenures of land in Bengal, before making engagements with the very mixed body of men who were at the time of the cession responsible for the revenue. But the proposal was on more than one occasion negatived by orders from home, and in 1793, a Permanent Settlement was concluded with the above-mentioned mixed body of Zemindars as they were called, all holders of subordinate rights being left to find a remedy against the exactions of the Zemindar in a civil suit. The disastrous consequences are well known. Courts flooded with suits to such an extent that candidates for justice could hardly expect a hearing within the term of their natural lives, attested the ruin of the ryots; while the ill-effects of the measure on the very proprietors who had been created by our fiat was shown by the almost universal destruction that had befallen them by the tenth year from the Settlement.

Even now, after the lapse of three-fourths of a century, Bengal offers a most discouraging prospect to one who believes in the possibility of establishing with advantage a native aristocracy under an alien rule. A peasantry poorer and more ignorant than in our later acquisitions; an ever-widening separation between rich and poor; extreme luxury side by side with extreme squalor; endless litigation between landlord and tenant; a body of proprietors still (with a few most honorable exceptions) illiberal and untrustworthy, doing nothing for the land or the people that support them, and responding to no call either for exertion or generosity;—these are signs of social rottenness which may well make statesmen pause with anxious circumspection before they again commit the destinies of a province of the keeping of its landed magnates.

The evil results of the mistakes that had been made in Bengal declared themselves so early as to lead to a reaction in the policy adopted in our very next acquisition. When, in the first years of this century, the territories now known as the N. W. P. fell into our hands partly by cession from Oudh and partly by conquest from the Mahrattas, it was, as in Bengal, inevitable that at first the existing revenue system should be continued. But in these provinces the village communities had retained considerable vitality, and, by their complete organization, they forced themselves on the notice of our officials.

The Marquis of Hastings, then Lord Moira, writing in 1815 thus speaks of them :—

“ The system of village property was yet in being in the Upper Provinces when they fell under our dominion; for the farmers and officers of former Governments, though arbitrary and unmerciful in their exactions, seldom had the hardihood to attempt to interfere with this state of real property. The village community was thus complete.”

And Sir E. Cole-brooke remarked in his noted Minute on the land tenures of the North-West :—

“ There can, I trust, be no apprehension of our falling into any similar errors in the Western Provinces, further than such errors may have already been committed beyond the power of remedying them: the lands there, instead of being apportioned, as in Bengal, among a few great Rajahs, who from official channels of collection have, by the gratuitous boon of the British Government, become the over-grown proprietors of the soil in the whole extent of their jurisdictions, were even at the first acquisition of these Provinces, held by the village proprietors for their individual villages, in the proportion of at least four-fifths of the whole, either under direct engagements with Government or on leases from the intermediate farmers of Government.”

Lord Hastings further states that, at first, engagements were taken partly from the headmen of the villages and partly from the existing farmers, who were already in being as *middlemen*

between the state and the villagers; but that at each fresh settlement (and they recurred in those days at extremely brief periods), it was the policy of our officers to dispense more and more with these middlemen and to deal directly with the village communities. It is further clear from his remarks that, from a very early date, the number of engagements taken from mere farmers was small in comparison with the number of instances in which the rights of the village proprietors were acknowledged. There was an exception in the case of Rohilcund, where under two successive revolutions, in the first of which the old Hindoo proprietors had been superseded by the Afghan invaders, and in the second of which these Afghans had, in their turn, been ousted by the Lucknow administration, the province on our acquisition of it was found almost wholly in the hands of large farming contractors.

Even in Rohilcund, the officials first appointed on the cession of the province undertook "the tracing of proprietary rights," so that Lord Hastings could write:—

"The last settlement of Bareilly concluded under Mr. Deane's own personal inspection, has brought into direct engagements with Government upwards of 2,000 village Zemindars. In Moradabad, also, where two-thirds of the lands were in farm at the first settlement, the proportion is already reduced to less than one-third."

Viewing it as the normal condition of the country, that the property in the soil should be vested in the village communities, he even thought the following apology necessary to account for the instances in which the claims of the existing middlemen were preferred to theirs.

"If it is said that under the system we have pursued, hereditary rights were, in the first instance, not sought out and maintained with sufficiently scrupulous attention, but that men were frequently acknowledged as actual proprietors, who had either no interest, or but a very partial one in the land, the fee simple of which was thus assigned to them; or if it be asserted that actual proprietors were often injured by the needless farming of their lands to strangers, such a degree of insecurity to the rights of individuals must certainly be admitted to have existed on our first occupation of the country, before the appointment of the Board of Commissioners took place. In the confusion of such a juncture it would be difficult to say how it could have been otherwise; but this has before been traced to the necessity we found ourselves under of keeping up for a time the system of contract Thasildaree, with which, though we could and did modify or regulate it, so as to make it less injurious than before, we could not at once altogether dispense.

"But neither is the antecedent administration or the system of our Government chargeable with the neglect of these interests which is stated to have been at first experienced. The Government promised to the country a more just and liberal system than had hitherto been pursued, but

"this was only to be effected by the gradual improvement of that which they found in being. Perfection is not the work of a moment. \* Before our occupation of the country, the Aumils and Thasildars contracted with the Governments, and the whole internal settlement was entirely left with them. They farmed or admitted proprietors to engage at pleasure, and there was no consistency of system either between each Aumil and his successor, or between the Aumil and the person to whom he under-farmed a portion of his jurisdiction. On the other hand, from the first of our occupation, the Mofussil settlement was made with Government, and though, perhaps, considering the unpropitious circumstances and want of information under which it was made, the whole proprietary class could not be at once recovered and secured in all their rights, still, as far as they were ascertained, security was afforded, and the class was guarded from any further encroachment on the part of those to whom they owed the confusion and difficulties under which they laboured at the time. The gradual improvement of our system has procured their gradual further restoration and additional security. That it should entirely have redressed the wrongs inflicted by antecedent systems, is more than could have been rationally expected."

There were, however, exceptional instances of holders of large *talooquas* and estates; and regarding them Lord Hastings remarked:—

"It must be admitted to have been an object of our system to keep down this class. *These were not, however, proprietors of the soil, as I have before explained, and never had been so considered in the Western Provinces. They had only a more permanent sort of lease or contract than a common farmer,* and whatever rights or privileges such tenure could legitimately be held to convey, our Government did not attempt to supersede. But our Government exerted its undoubted right of fixing its assessment on such tenures by a detailed ascertainment of their produce. Its ministerial officers made themselves acquainted with payments of all the village proprietors, and offered to confirm the tenure to the holder assessed at the rate thus yielded, with such deduction as the nature of the tenure entitled him to; with this, however, he was seldom satisfied: he claimed the rate assessed by former Governments, a rate standing on no permanent basis, and which fraud, intrigue, or fear had enabled him to extort for the moment from their weakness.

"The forfeiture of the tenure will therefore generally have been occasioned by his recusance, and cannot be attributed to any insecurity resulting from our system."

Had Lord Hastings been able to look at the matter with the additional knowledge gained in the 50 years that have elapsed since these words were written, he would, we feel convinced, have put forward this statement regarding the position of the Talooquaders with certain reservations. His statement that they were not proprietors of the soil, must be accepted as perfectly true. Both the theory and practice of the native Governments absolutely precluded the notion of any private property in the soil being vested in this class of men. But they were, in exceptional instances, *more nearly* entitled to be regarded as proprietors than the village proprietors. Lord Hastings looked

upon them as mere middlemen between the latter and the State.\* They were so in most cases, and the imperfect information at the disposal of our officers led them to think they were so always. But in outlying parts of the country least exposed to the march of invading armies, least exposed too to the levelling action of the central despotism, the old chiefs of the country had been able to hold their own against the action of orderly rule and disorderly misrule. Village communities there were in such chieftaincies, but they had sprung into being under *their* auspices, and looked on *them* as lords of the soil. In fact, such chiefs were, both as regards historical origin and present position, the sovereigns of their estates, and were thus entitled even by native theory to the whole residuary property in the soil, which remained after the tiller's right had been deducted. And even in the less remote parts of the country, nay, in one district close to the seat of Government, there were to be found a few, a very few similar instances, of long established though not aboriginal Talooqudars who could not be regarded as mere lessees or contractors for the Government revenue. As such however, even they had undoubtedly been *used* by the native Government, and as such chiefly, if not solely, they came to be regarded by us. Moreover, when this view was fully accepted, the next step was to get rid of the interposing medium between the State and its subjects, just as the undoubtedly noxious interposition of the ordinary revenue farmer had already been abolished. In all this we see no unusual exemplification of the tendency of the human mind, first of all to make too unrestricted an application of laws worked out from undoubtedly true facts, and next to carry out the application of those laws without sufficient care to conserve the existing, even if perhaps faulty, constitution of things.

The composition of all the large Talooquas of the North-West Provinces was eventually subjected to investigation and discrimination. The lands which appeared to have formed part of the Talooqudar's original estate were left at his absolute disposal. For the village communities which, though not forming part of his paternal estate, had been so long in his hands that *his* prescriptive rights had swamped the original rights of the villagers, he was permitted to engage; but a "*sub-settlement*" was concluded with the component villages, fixing the amount of their payments to him. For the rest, which had come into his hands by clear usurpation during troublous times, the village proprietors were admitted to direct engagement with Government, while the Talooqudar was allowed an amount equivalent to what, under the theory of the native Government, he was, as

contractor, permitted to deduct from the gross collections; in other words, his *nankar*.

It must never be forgotten that the British Government, by limiting its own demand, actually created a property in the soil in favor of others than itself; a right of property which the theory of no native Government had recognized, and which, even had it been recognized in theory, would have been destroyed in practice by the searching exactions of later times. On the creation of this new right of property, it was necessary to decide in whom it should be vested. And there is in India at the present day, at least one great thinker and jurist who holds that in this matter Government would have been justified in adopting as their guide the principles of political and economic expediency. This, however, was not the view of the men of those days: their aim was to maintain in possession those classes of the agricultural community who, on the evidence then available, appeared to possess at the time the most valuable interest in the soil. That even on the evidence then available, mistakes were made, is now generally allowed; but the most bitter impugnors of the so-called Thomasonian school have not, when they came to particulars, adduced more than a dozen or so of instances in which injustice was committed.

Were not recrimination mischievous, a disciple of that much abused school might put his finger on at least as many isolated instances in which, even on their own principles, injustice can be proved against the founders of the Oudh system; and that, not from defect in their principles, but from failure to collect evidence sufficient to enable them to apply those principles with safety. But indeed, after the publication of the correspondence which we are now reviewing, all talk about the Thomasonian school, the Thomasonian theory of Talooqudars and so forth, should be impossible. The memory of the best and ablest of men should never have been, and need no longer be saddled with the burden of a theory which, whether mistaken or not, had been formed some thirty years before his time. Was then the theory mistaken? Except in a few isolated cases, certainly not, if we are to accept the representations of Hastings, Colebrooke, and the other giants of those days. It is, of course, still possible to say that those great men read the signs of their own times amiss: but he will hardly escape the charge of presumptuous misjudgment who shall venture to bring his own or his neighbour's small experience of the state of things now, to prove, against the whole weight of contemporary evidence, what was the state of things then.

When Oudh fell into our hands, in 1855, it was taken for granted that the land tenures were identical with those of the N. W. Provinces, much of which had originally formed part of Oudh. This, it is now known, was a mistake. The converse mistake has been made by many of the Oudh schol, who hold that because Oudh originally formed part of the N. W. Provinces, and because in the present land system of Oudh, the Talooqudaree tenure is found to be the rule and not the exception, it must have been the rule and not the exception in the N. W. Provinces also. But the officer\* whom we shall soon see most prominent as an extreme supporter of the Talooqudars, himself admits that the great extension of their power and their absorption of the village communities into their Talooquas dates from the death of the Oudh Nawab, Saadut Ali Khan, in 1814. And we can in a very few words explain how it was that the subsequent history of Oudh, after the separation of the N. W. Provinces, was eminently favorable to the growth of Talooquas.

The Viceroy of the time—Viceroy in name, King in reality, and a few years later, King by title also—was Saadut Ali, a man of considerable ability and force of character, disposed by temper to treat his kingdom as a large estate, and able by his business talents to keep all its concerns under his own eye.

He made a searching assessment of each village on the basis of estimates furnished by the local officials; but allowed the village proprietors to retain their lightly assessed *seer* and rent-free *nankar* as a provision for themselves. He collected through the instrumentality of divisional officers called Chuckladars, who had each at their disposal a detachment of troops for the purpose of maintaining order and enforcing payment of the revenue. Oppression and malversation were kept in check during Saadut Ali's life by his watchful control, but they became general on his death. His weak successor found the control of the individual Chuckladars too much for himself or his ministry, and resorted therefore to the easier method of farming† out the collection of the revenue in each Chuckla to the highest bidder, who was at once invested with all the powers of the local Executive. From that moment Talooquas began to increase with unprecedented rapidity. The members of an impoverished village community, under the pressure of continually increasing exactions, either threw up its lease of the village altogether, or

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\* Sir C. Wingfield.

† It has sometimes been incorrectly asserted that Saadut Ali was the originator of this farming system in Oudh.

voluntarily incorporated the village in a Talooqua; or, accepting the impracticable terms offered, produced some neighbouring Talooqudar as their security, and, on the break-down which inevitably ensued, surrendered the village to him. They did not even in all cases retain the *seer* and *nankar* lands, their enjoyment of which depended on the amount of pressure to which the village had been subjected previous to incorporation in the Talooqua.

The balance of power between the Agents of Government and the Talooqudars was meanwhile maintained in the following manner. The Chuckladars had, it is true, a party of troops at their disposal, but the pay of these men was generally in arrear, and they were often therefore in a state of mutiny. Such occasions were seized by the Talooqudars as opportunities for strengthening themselves at the expense of the Chuckladar. In many cases, too, they came to the assistance of the latter with presents of money, given on condition of receiving a certain number of villages rent-free, and these they retained or lost according to their subsequent ability to deal with the Chuckladar.

Again, a Talooqudar, if he thought himself hardly treated, would go into rebellion, retire into the wilds, and from thence so harass the intruder who was put in his place, and so menace those of the tenants who dared to pay rent to any but himself, that the estate became speedily valueless to Government, and the Chuckladar was only too glad to purchase peace on the Talooqudar's own terms. The Chuckladar, on the other hand, seized the occasion of any ill-feeling arising between the village communities and the Talooqudar to lower the pride and power of the latter.

Thus it happened that, in the comparatively few districts where the Talooqudars formed a sufficiently numerous and compact body, there was, under a system of compromise and mutual concession, some semblance of order, and the actual tillers of the soil were protected from oppression; so that, although the revenues of Government continually diminished, the country advanced in population and prosperity.\* In other parts, on the contrary, where the position of the Talooqudars was more precarious, the anarchy was most lamentable, the condition of all classes most wretched, and the process of devastation and depopulation most rapid.

Such was the condition of these parts: so crying were the evils of the contract system of revenue collection, that the influence of the British Government was continually directed

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\* We are indebted for many of the above-mentioned facts to the store of local knowledge gained by Major McAndrew, the present Secretary to the local Government in Oudh.



to its abolition, and the substitution of fixed assessments to be collected through regularly paid agents. Four successive times was the attempt made, and four times, after, at the most, two years' trial, did the new system break down, owing to the want of attention at the centre, and the want of integrity in the extremities of the administrative machine. The Chuckladars would bribe the reporters appointed by the Court to watch them, would represent their need of more troops, would, with their help, put on additional cesses, would then represent their inability to pay the full assessment, and, by bribing the Court favourites, procure a remission. The insecurity of life and property, nay, in many cases the frightful atrocities to which this state of things gave birth, led inevitably to the application of the only remedy then known—annexation. And on annexation in 1855, there arose the ever-recurring question, what class to recognize as the owners of that property in the soil which the British Government creates by the limitation of its demand.

With the ideas then in vogue, it was inevitable that the village proprietors should be preferred to the Talooqudar. The discussions which had attended the growth of the theory that the Talooqudar was a mere middleman had died away. It had been proved that he was so in many, nay, in most cases, and it was inferred that he was so in all cases. It was known that the Talooquas had been enormously increased, and that some of them had been created entirely by usurpation and violence during the half century of misrule just ended; and it was held as a natural inference that a system founded on, or at least brought to its present development by, usurpation, could not have any hold on the hearts of the people. Nevertheless, Lord Dalhousie laid down no rigid rule which could be held destructive of the Talooquads' status, if it should turn out that they were more than mere middlemen. His instructions were:—

"The settlement should be made, village by village, with the parties actually in possession, but without any recognition, either formal or indirect, of their proprietary right. \* \* \*

\* \* \* It must be borne in mind, as a leading principle, that the desire and intention of the Government is to deal with the actual occupants of the soil, that is, with village Zemindars or with the proprietary co-parcenaries which are believed to exist in Oudh, and not to suffer the interposition of middlemen, as Talooquads, farmers of the revenue, and such like. The claims of these, if they have any tenable claims, may be more conveniently considered at a future period, or brought judicially before the Courts competent to investigate and decide upon them."

The Agents, however, to whom Lord Dalhousie entrusted the execution of his orders, made them the basis of nothing short of a revolution in the landed tenures of the province. Many who, a year later, expiated by their death the precipitate changes by which they had alienated those who could have shielded them from mutineers and rebels ; and some, too, who have survived to be the means of founding a system more congenial to the people, then accepted as indubitable the presumption, that the estates held by a Talooqudar either came into his hands by violence, or by the vicious revenue system of the native Government. The violence of the change which was effected under the influence of such ideas can best be exemplified by the history of Man Sing, now, after many vicissitudes, the leader of the Oudh noblesse. This one man affords the most noteworthy illustration both of the extreme rapidity with which Talooquas were built up during the last days of native rule, and also of the extreme rigour with which they were curtailed in the first days of British rule. His grandfather was a common trooper, without any landed estate whatever. By 1855, he was lord of 577 villages. In 1856, he was stripped of all but 6 villages. In 1855, he paid two lacs of revenue ; in 1856, it was reduced to less than 5,000 Rs. In another estate, the Talooqudar was stripped of 366 villages out of 378 ; in another, of 155 out of 204.

In the estate of Rajah Hurriwunt Sing, says the present Chief Commissioner,\* consisting of 322 villages paying between 70,000 and 80,000 Rs. a year as Government revenue, 200 villages which had been in the undisputed possession of his family for many generations, were taken from him. In this case the officers who had made the settlement took refuge on the outbreak of the rebellion in the Rajah's fort, and while they were there, they saw the men with whom the settlement had been made come in and tender their allegiance to the Rajah. "With-  
" out making any boast of it," writes Colonel Barrow, "he daily  
" pointed out to me men who had been under him and his  
" ancestors for generations, voluntarily retiring from the position  
" in which we had placed them, and again ready to take engagements from him on his own terms. There could be no doubt  
" that the mutual understanding between the parties was such  
" that it should never have been disturbed by us."

It is furthermore to be observed that, whereas in the North-West when a village was taken out of a Talooqua and settled with the immediate proprietor, the Talooquadar received an equivalent for his *nankar*, under the arrangements of 1856

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\* Speech of 17th July last in the Legislative Council.

in Oudh, he received nothing but a general intimation that his claim, if he had any, would be considered at some future time.

The experiences of 1857-58 threw light upon this as they did upon a multitude of Indian questions, overturning views hitherto deemed unassailable, and, by the destruction effected, leaving a clear field for the introduction of fresh systems.

Within seven months of the outbreak, Sir James Outram, the Chief Commissioner, gave it as his opinion that the *only* mode of restoring order at once, and the *best* method of securing order hereafter on a permanent basis, would be to re-instate the Talooqudars in their possessions as held at the time of the annexation, fixing however the amount which they were to receive from the several villages constituting the Talooqua. This policy was ten months later finally accepted by Lord Canning who, having as a punitive measure confiscated, with few exceptions, the existing rights in land, was free to act unfettered by previous obligations.

The history of this confiscation Proclamation is curious. As has been remarked by Mr. Strachey, the present Chief Commissioner of Oudh :—

“When it was first issued, there is not a doubt that it was intended as a measure of coercion and of punishment, and especially as a measure of punishment to the rebellious Talooqudars. It would have seemed incredible in March 1858, that this proclamation should come to be looked upon by the Talooqudars as the *Magna Charta* on which all their rights depend.

“During the rebellion I believe that, as a matter of fact, hardly anybody to whom the proclamation was addressed ever saw it, and it was supposed for some time to have been virtually a dead letter. This belief was entertained by the Secretary of State, Lord Stanley, nine months after the issue of the proclamation, and after he had received the explanations of the Governor-General regarding it.

“‘I observe with satisfaction,’ Lord Stanley wrote, ‘that the policy indicated in the document adverted to, as regards the claims of the Talooqudars, and other proprietors in Oudh, has not in practice been adopted by you, and is declared on your own authority, never to have been intended to have been carried into effect. However indiscriminate and unsparing may have been the sentence of confiscation which your proclamation pronounced, that sentence has not been put in force, and the issuing it would appear to have been merely a menace designed to strike awe into the minds of those still arrayed in arms against the British Government.’

“In truth, however, this proclamation although it was never carried into effect according to the intention with which it

"was issued, turned out to be something very different from a menace. It became the means of rewarding and benefiting the very men, the Talooqudars, whom Lord Canning had originally desired to punish, and of placing them in a far better position than that which they had held under the native Government." (Mr. Strachey's speech in the Legislative Council, 17th July 1867).

And Sir W. Mansfield's account, in his speech of 31st July last, adds additional particulars regarding this curious episode. In July 1858, he says, there was a conference at Allahabad between Lord Canning and Lord Clyde, attended by himself (Sir W. Mansfield) as chief of the staff. Lord Clyde proposed, and, he thought, won Lord Canning's consent, to issue a proclamation assuring the Talooqudars of the enjoyment of the rights of which they had been deprived in 1856. No such proclamation appeared however, though anxiously looked for by both Lord Clyde and Sir James Outram. In April Lucknow fell, and then a proclamation certainly appeared; but its purport was exactly opposite to that which had been designed. So mischievous was it thought, that Sir J. Outram actually proposed to set it aside, pending further orders.

Nevertheless, whatever may have been the original aim of the proclamation, the confiscation of all existing rights of property was turned to good account by Sir J. Outram's successor, Sir R. Montgomery. He found himself, after the fall of Lucknow, at the head of a large staff of civil officers, but pending the completion of Lord Clyde's slow preparations for the ensuing campaign, without a province to rule. Without the assistance of the Talooqudars the restoration of order seemed impossible; accordingly, in June he invited them to come in and learn the terms upon which they would be secured in possession of the estates which they held under the native Government. The result was that, by the end of 1858, two-thirds of the Talooqudars had tendered their submission, and their estates had been settled with them.

By this time, too, Lord Canning had made up his mind as to the lesson of the mutiny. He directed that a Talooqudaree settlement should be made, but so framed as to secure the village occupants from extortion. What is called a summary settlement was concluded with the Talooqudars, the investigation into all subordinate rights being reserved for the regular settlement, which was to follow in three years' time. In the summary settlements, of which there had been previous instances under our *regime*, there had always been a reservation to the effect that the adjudication of proprietary right then made,

should not bar re-investigation at a future and more regular settlement. It was felt, however, that the Talooqudars' minds would, under such a reservation, be disturbed by anxiety as to the stability of an arrangement which they might be inclined to regard as a mere temporary expedient for facilitating the introduction of our rule. The reservation moreover was, in the eyes of Sir R. Montgomery, not only mischievous but unnecessary. It had been due in other provinces to an apprehension on the part of our statesmen, that rights might perhaps fail to secure proper recognition under a process of summary investigation. In Oudh, however, no such doubt was felt. The scrutiny of all claims was believed to be so full and searching, that the Chief Commissioner was able to forbid any reservation of the kind, and to declare the summary settlement final in the matter of proprietary right. The order (dated January, 1859) was thus worded :—

“ The primary condition of all land tenures in Oudh was the recognition of the superior right of Talooqudars. In making the settlement of lands, every case has been carefully examined by the Deputy Commissioners and Special Commissioner of Revenue, and has also been rigidly scrutinized by the Chief Commissioner. Whether right or wrong, certain principles have been laid down by the Supreme Government, and they are to be acted upon, and landholders are to be encouraged to feel that what they receive now they will retain for ever.”

The results of the summary settlement were as follows :—23,500 villages were ascertained, or supposed, to have been incorporated in Talooquas under the native Government. Under the operation of Lord Dalhousie's orders, about two-fifths of these had been separated from the Talooqudar, and settled with the village proprietors. But in the summary settlement of 1859, only 906 of the 23,500 villages were settled with others than the Talooqudars. The confidence expressed by Sir R. Montgomery in the fullness of the investigation, on which this summary settlement was based, was shared by his successor, Mr. (now Sir C.) Wingfield ; but subsequent discoveries have shewn that it was not wholly justified by the facts. Several instances have been discovered of villages being given to a Talooqudar by the summary settlement, which had never been in his Talooqua\* ; and other instances

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\* An instance—one out of many—was described in forcible language in a recent number of the *Pioneer* (27th January last). The estate of an old lady was, as the result of the summary settlement, included in the list of villages given by *Sunnud* (tile-deed) on the part of Government to a neighbouring Rajah—a relative—who had never been in possession of it. “ No doubt the old lady thought this curious, but she

in which, though they had been at one time incorporated in the Talooqua, they were not so at, or within twelve years of, the time of annexation, and were therefore wrongly dealt with by a settlement which professed to restore exactly the status of 1856. It was quite inevitable that mistakes of the kind should be made, considering that the investigations of the summary settlement were crowded into six months at the utmost. The Secretary of State, when reviewing the papers on the subject, hit this blot. He remarked, "that much of the country was scarcely, during the settlement, wholly free from the influence of the mutineers. Under such circumstances no really satisfactory enquiry into such intricate matters as disputed landed tenures, could have been effected."\* The rapidity with which the pretensions of the village proprietors were disposed of is, as the Secretary of State points out, the more remarkable, that Mr. Wingfield had himself admitted that they are the real owners of the land. His words were:—

"The Chief Commissioner cannot see the use of giving the village proprietors hopes of a re-hearing at next settlement, if after having then ascertained, *what every one knows already, that they are the rightful proprietors of the soil*, we are to tell them that our policy will not permit us to recognize their claims."

Considering the circumstances of the country, it was, we quite understand, unavoidable that the investigation should be hurried, but it is impossible to avoid a regret that the Oudh officials of the day should have failed to see that a settlement commenced by the local officers under the impression that it was not to be absolutely final, and concluded within the brief period of six months, could not be otherwise than an imperfect and unsatisfactory basis for the establishment of a system of land tenure new to our administrators.

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"probably fancied that it was a roundabout way of giving it to herself, that the entry of her male relative's name was only a phase of circumlocution, an Indian Avatar of John Doe. No one disturbed her for eight years; she collected her rents and paid her revenue, till in December 1866, this Ahab came into Court with his gilt parchment Sunnud and demanded possession. The old lady, at the time, was going through what she supposed was a mere form, like Mrs. Bardell's *cognovit*, to get her title entered in the Government records." In Court, the Talooqudar not relying wholly on his Sunnud, tried to prove that the estate was actually possessed by himself. Successive Courts held that the evidence produced by him was fabricated; but, when the case came in appeal before the highest tribunal in the province, it was, by the state of the law declaring the summary settlement on which the Sunnud was based final, necessitated to decree away the old lady's ancestral property in favour of the Talooqudar.

\* Despatch of 24th April, 1860.

The Mr. Wingfield of whom mention has here been made, succeeded Sir R. Montgomery in May 1859. He is the same as the Sir C. Wingfield who caused some amusement in England in September last, by coming into the field thus early as candidate for the new borough of Gravesend on the most advanced radical principles, including even the long exploded notion of vote by ballot. In India he is known as an officer of unquestionable ability, clearly seeing the end which he wishes to gain, and strong to will the means by which to secure it. These abilities and this strength of will he consistently devoted to the task of placing the supremacy of the Talooqudars on the clearest footing. The warmth of his advocacy has won him many hearty supporters and strong admirers. It has, however, given him the appearance of a partizan, and proportionately weakened the authority of his opinion in the eyes of those who have wished, in the settlement of Oudh, to avoid the mistakes made both in Bengal and the N. W. Provinces from insufficiency of evidence, and whose aim has been not to foster one class more than another, but to maintain each in that status as regards the rest, which it had occupied during the continuance of native rule.

Very shortly after his assumption of office, he represented that the Talooqudars were still afraid that we should finally throw them over in favor of the village proprietors, and begged that in the Sunnuds (title-deeds) to be distributed, he might insert a distinct promise on the part of Government, that the proprietary right given by the summary settlement was given for all time. To this Lord Canning assented, adding, however, that "the right now conceded is subject to any measure which the Government may think proper to take for the purpose of protecting the inferior Zemindars and village occupants from extortion, and of upholding their rights in the soil in subordination to the Talooqudars."

Mr. Wingfield remonstrated against the introduction in the Sunnuds of this Clause, and proposed, not that the Government should take distinct measures to protect subordinate rights, but a very different thing—that the Talooqudars themselves should be bound to treat all holding under them with consideration, and to secure them in the possession of all the rights they had hitherto enjoyed. Lord Canning only partially accepted the remonstrance, and finally approved a stipulation to the following effect:—"It is a condition of this grant that you will, so far as is in your power, promote the agricultural prosperity of your estate, and that all holding under you shall be secured in the possession of all the subordinate rights they formerly enjoyed."

This stipulation must be read in connection with the words of Lord Canning's letter of 19th October 1859, accompanying the finally approved form of Sunnud.

"The Sunnuds declare that while, on the one hand, the Government has conferred on the Talooqudars and on their heirs for ever the full proprietary right in their respective estates, subject only to the payment of the annual revenue that may be imposed from time to time, and to certain conditions of loyalty and good service; on the other hand, all persons holding an interest in the land under the Talooqudars will be secured in the possession of the subordinate rights which they have heretofore enjoyed.

"The meaning of this is, that when a regular settlement of the province is made, wherever it is found that Zemindars or other persons have held an interest in the soil intermediate between the ryot and the Talooqudar, the amount or proportion payable by the intermediate holder to the Talooqudar, and the net jumma finally payable by the Talooqudar to the Government, will be fixed and recorded after careful and detailed survey and enquiry into each case, and will remain unchanged during the currency of the settlement.

"The Talooqudar cannot, with any show of reason, complain if the Government takes effectual steps to re-establish and maintain in subordination to them the former rights, as these existed in 1855, of other persons whose connexion with the soil is in many cases more intimate and more ancient than theirs; and it is obvious that the only effectual protection which the Government can extend to these inferior holders is to define and record their rights and to limit the demand of the Talooqudar as against such persons, during the currency of the settlement, to the amount fixed by the Government as the basis of its own revenue demand. What proportion of the rent shall be allowed in each case to Zemindars and Talooqudars, is a question to be determined at the time of settlement."

From this date, that is from the grant of these Sunnuds, there commenced, as was remarked by Mr. Strachey in the speech already mentioned, "a new phase of Oudh politics." Till then, the policy adopted had been to return to the state of things before annexation. But after the issue of the Sunnuds a theory soon "began to take tangible shape, that the rights conferred upon the Talooqudars were totally different in their nature and extent to the rights which the Talooqudars had enjoyed under the native Government."

In fact to all proposals favourable to other than Talooqudars, a stereotyped answer was for some time returned. "The Sunnuds



"don't contemplate any such favour." "We don't find it in the Sunnuds." Shylock, with his bond, was not more importunate. An old proprietor might, for instance, after maintaining his independence up to the very last year before annexation, have been *wholly* ousted by a Talooqudar in that year. Not only was his village not restored to him—that no one even asked for—but according to the Sunnud he could not even get any subordinate rights recognized, seeing that he had enjoyed none in 1855. A mortgagor, again, lost for ever the rights of redeeming his property mortgaged to the Talooqudar, seeing that it was entered in the Sunnud. A tenant of however long standing, had no right to protection, seeing that, by the Sunnud, only the rights intermediate between the Talooqudar and the tenant, the tiller of the soil, were to be protected.

And the relation in which the Talooqudar stood to his relations and posterity was even more changed than his relations with those subordinate to him. According to Native Law, whether Hindoo or Mahomedan, a man's relations and descendants have a vested interest in his ancestral property, which therefore he cannot alienate as he pleases. But under the Sunnuds, the Talooqudar has a "strictly personal and exclusive" right of property in his estate; and to put the matter beyond doubt, the power of the Talooqudar to alienate his property in the freest manner was conferred by Lord Canning in a later order against which Mr. Wingfield strongly remonstrated. Again, descent by primogeniture was far from being the rule according to local custom. Only those estates to which a title of honour was attached descended in this way. Lord Canning, however, issued a fresh Sunnud restricting succession to eldest sons, and the Sunnud was accepted by 200 out of the 250 Talooqudars.

It is not to be supposed that Lord Canning was aware of the revolution in the very nature of property in Oudh which he was effecting. On the contrary, nothing is clearer than his intention in all respects to disturb as little as possible the state of things at annexation.

So little however did Mr. Wingfield understand the modifications by which Lord Canning intended to prevent his gift of the proprietary right to the Talooqudar from involving the destruction of all subordinate rights, that almost immediately after the receipt of Lord Canning's letter of the 19th October, he issued a circular,\* declaring that the act of confiscation carried out during the rebellion was to be regarded as annulling *all* rights of property, and that in the estates which had actually been .

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\* 24th November, 1859.

confiscated and conferred on others, none but the Talooqudars had any rights at all ;—a circular which would, in such estates, have the effect (in any but the specially reserved instances) of reducing all under the Talooqudar to the condition of tenants at will. This interpretation Lord Canning disallowed, and he took the opportunity of drawing Mr. Wingfield's attention to the following clear instructions of the Secretary of State,\* in which, after regretting the hastiness of the investigation of the summary settlement, but remarking that Her Majesty's Government would not withhold confirmation of the arrangement which had actually been concluded, he laid down his views as to the only remedy left :—

“ You were quite right in rejecting at once the proposition of the Chief Commissioner that all under-tenures should be abandoned to the mercy of Talooqudars ; and I observe from your Lordship's more recent proceedings that the engagements into which you have entered with the Talooqudar provide for the protection of the under-proprietors, and that when a regular settlement is made, in all cases where there is an intermediate interest in the soil between the Talooqudar and the ryot, the amount or proportion payable by the intermediate or subordinate holder to the Talooqudar will be fixed and recorded after careful and detailed survey. I consider that in a careful adherence to this rule must now mainly depend the maintenance of the rights of the village communities.”

### III.

Up to this time, then, the general policy of Government in India and in England had been to acknowledge the existence, as a general rule, with however many exceptions, of a double interest in all Talooquas—(1) the interest of the Talooqudar as superior proprietor, to be alone admitted to engagements with the State—(2) the interest of village proprietors, not to be admitted to engagements, but to be protected by the State. This theory of the existence of a double interest in Talooquas has been warmly combated since then by many Oudh officials ; and they have certainly proved that the inferior interest was much weaker, the exceptional instances in which it was entirely wanting far more numerous, than had been supposed, either when dealing with the land tenures of the N. W. Provinces or, again, when treating those of Oudh on the experience derived from the N. W. Provinces. But the evidence

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\* Letter of 24th April, 1860.

produced has not tended to weaken the belief that, in by far the far the majority of instances, some kind of inferior interest exists, and that the subsequent history of Oudh, after its separation, will quite account for the great and undoubted difference between the strength of that interest as it was found to be in the N. W. Provinces on the one hand, at the beginning of the century, and its weakness in Oudh on the other hand, 50 years later.

Recognizing a double interest in the soil, it was possible for the Government of the day to have adopted either of two courses.

(1)—To deal with the sub-proprietors direct, giving the Talooqudars an allowance equivalent to the percentage on the collections theoretically enjoyed by them. This was the course pursued in the majority of instances in the N. W. Provinces.

(2)—Dealing with the Talooqudar in the first instance, to make a sub-settlement with the village proprietors, *i. e.*, to fix the amount which they were to pay to the Talooqudar for the whole village, leaving the management in their hands. This was the course pursued in some instances in the N. W. Provinces, and it was the one to which Lord Canning (acting on the evidence then available) inclined.

It has been contended that Lord Canning's orders left his successors liberty to do no more than record the amount hitherto paid by the sub-proprietor, however *little* that might leave for his support; whereas, under the N. W. Provinces system, the total rent of the village was divided according to a certain percentage between the Talooqudar and the sub-proprietor. That it was, however, Lord Canning's intention to adopt the North West system is proved by the terms of his letter dated 19th October, 1859:—

“It is obvious that the only effectual protection which the Government can extend to these inferior holders is to define and record their rights, and to limit the demand of the Talooqudar, as against such persons during the currency of the settlement, to the amount fixed by the Government as the basis of its own revenue demand. \* \* \* \* \* What the duration of the settlement shall be, and *what proportion of rent* shall be allowed in each case to Zemindars and Talooqudars, are questions to be determined at the time of settlement.”

In fact, at the time Lord Canning wrote, a sub-settlement of *some* kind on the N. W. Provinces principle, was the only known method of protecting the inferior proprietors, while yet dealing in the first instance with the superior landlord.

The further researches which shewed the comparative weakness of the sub-proprietary right in Oudh, led to a reconsideration

of the principle as worked out in our older provinces and adopted by Lord Canning. But his policy must not be judged by the light thrown on the question by these further researches.

The first step taken, after Lord Canning's departure, was a relaxation in favor of sub-proprietors. Lord Canning had directed that they should be maintained in possession of their subordinate rights as these existed in 1855. To this the Secretary of State raised the objection\* that the definition of the rights "of the subordinate holders was based too exclusively upon the status of 1855, which was a period of misrule and disorder." After some correspondence, it was agreed,† with the consent of the leading Talooqudars, that the term of limitation should be extended to twelve years before annexation, so that all sub-proprietors should be recognized if their estates had been incorporated in the Talooqua since 1844. A successful claimant of the right, however, was declared entitled, not necessarily to a sub-settlement such as had been made in the N. W. Provinces, but only to *the most favorable terms* which he had been allowed by the Talooqudar in any one year.

For, by this time, the researches of the Oudh officials had shown clearly that if, in all cases where a sub-proprietary right was established, the holder of that right was to be held entitled to the management of the village, merely paying to the Talooqudar a certain proportion of the proceeds, an injustice would be done to the Talooqudar. The sub-proprietor was found to have been often in the enjoyment of a much smaller interest in the soil than this. The nature, in fact, of this relation to the superior proprietor varied extremely. Sometimes, he did retain the management and was responsible for the amount of the Government demand assessed on the estate, enjoying, besides his *seer* and *nankar* allowance in lands and money, all the indirect profits of management. In other cases, he was merely used as a middleman, paying the whole of the estimated proceeds to the Talooqudar. Often again, he was entirely set aside, and was only allowed to retain his *seer* and *nankar* lands. And in some cases, such was the pressure of those troublous times, he lost even these. When such was the case he had clearly no just claim to be regarded as a sub-proprietor. Supposing, however, his sub-proprietary status established, it was necessary to fix with some precision his relation with, and the limit of his payments to, his lord.

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\* Letter of 17th August, 1861, para: 9.

† Government Letter of 30th September, 1860.

It was clear, from the stipulations already made and agreed to, that a sub-proprietor who had merely retained his *seer* and *nankar* should be protected in the enjoyment of nothing more than this; but it was needful to decide what greater extent of beneficiary interest in a village should entitle him to a sub-settlement of the whole village. A temporary lease of the village to any chance-comer was acknowledged to be insufficient. But if the lessee was the old proprietor of the village, would not the fact of his having been trusted with the collections for even one year be sufficient? And if not for one year, then for how many years would a continuous lease suffice? And, in the absence of a continuous lease, would not collateral evidence of his interest in the estate be accepted? Evidence for instance of his having arranged for its cultivation, given permission for breaking up waste, exercised control over forest and pasturage lands, and enjoyed all the miscellaneous manorial rights?

And the right to a sub-settlement once established, in what should that sub-settlement consist? What rule should regulate the amount of his payment to the Talooqudar? On this point opinions gradually resolved themselves into two opposite views. One side, basing its argument on Lord Canning's clearly expressed intention of distributing the rent of a village in certain proportions between the holders of the inferior and of the superior interest, as had been done in the N. W. Provinces, would have divided the sub-proprietors into classes according to the strength or weakness of their interest, and would have regulated their share of the rent accordingly. The other side arguing on another intention often expressed by Lord Canning—that of giving to the village proprietors only what they actually enjoyed at or just before annexation, would have upheld the rule already laid down by Mr. Wingfield. That rule was to take as the basis of calculation no proportion or percentage of the gross rental, but the amount actually paid in 1855. When the rental of the village was found to be more than that of 1855, the payment of the immediate proprietor was to be increased in the same ratio, but in no case was it to be fixed, as it had been in the N. W. Provinces, at any proportion or percentage of the rental. On the other hand it was argued that, in 1855, and indeed during the last twelve years of the native rule, the condition of the sub-proprietors had been most depressed; that, after satisfying the exactions of their superiors, the amount left to them was a mere pittance; and that it was most unwise to leave the management and the task of agricultural improvement, to men existing on such a pittance.

Such were the problems placed before the Indian Government in the autumn of 1865; and on another, but closely connected point, which had given rise to even more animated controversy, a final decision was called for about the same time. That was the momentous question of Tenant Right. But before turning our attention thither, it will be well to mention the measures taken in favor of another class of men whose rights had unwittingly been injured by the action of Government in 1859.

Many villages included in the Talooqudar's Sunnud had come into his hands by mortgage. Mr. Wingfield, in 1860, ruled that the gift of the Sunnud annulled the right to redeem his property which the mortgagor had till then possessed. Here he was, we think, clearly going beyond his instructions. Lord Canning's repeatedly avowed policy was to restore the status existing at the time of annexation. Now, at annexation, a mortgagor still possessed the right of redemption, and of this right he was suddenly deprived by Mr. Wingfield, who yet allowed to all mortgagors of property not included in a Talooqua, pretty much the same right of redemption that exists in our older provinces. This order, recognizing only those rights which had survived till 1856 was, as we have seen, disallowed by Sir C. Wood. In the case of under-proprietors, protection was extended to all rights that had existed within twelve years of annexation, and as mortgagors who had voluntarily parted with their land, had of course a still stronger claim than others who had lost theirs through violence, the boon was extended to them also.

#### IV.

The researches which shewed the comparative weakness of the sub-proprietary right in Oudh, brought to light the necessity of regulating the relations of the Talooqudar with yet another class of men, the actual cultivators of the soil, or in Indian parlance, the ryots.\* It had, of course, been known all along that any complete land system must define the status of these men, and the extent to which protection should be given to them against arbitrary exaction and ouster. But so long as it was believed that, in every village, or in all but a very few, the actual cultivator was subject not directly to the Talooqudar, but to an intermediate village proprietor, the definition of his status was not felt to be a necessary element of the "Talooqudaree" policy, and accordingly, Lord Canning,

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\* The term ryot is often used with a more extended meaning, but this is the commonest.

though clearly stipulating that *all* existing rights should be respected, made no separate mention of the ryot.

In the systems prevailing in other provinces, the ryots were divided into two classes—(1) those who were entitled to protection; and (2) tenants at will. Hereditary or long continued occupancy had been held to entitle a tenant to protection, but the nature and extent of the protection had been, and, indeed, is even now, a subject of the most animated controversy and the most voluminous discussion. It had been held at one time that “hereditary” tenants, as they are generally called, were entitled to hold at rates fixed at the time of settlement. By the time of which we write, the right of the landlord to enhance and even to evict on certain conditions had been established; but the principles that should regulate enhancement, were still the subject of much discussion. Shortly afterwards, there was a decided disposition to accept as equitable a very celebrated decision to the effect that the hereditary tenant had only a preferential right to hold at the regular market rate of rent. Even then, it was urged by many that this was in fact to give the hereditary tenant nothing;—to reduce him to the level of unprivileged cultivators. Others held that the tenant was still thus far protected that his rent could only be raised *either* with his consent *or* by the decision of a Court of law; and that in no case could he be subjected to arbitrary eviction. At the period to which we have now returned in our review—1860—the question was still very far from ultimate solution. It had moreover already stirred up an immense amount of litigation, and no small amount of bad feeling between class and class. Not only so, but the existence of these privileged ryots had been found by men of capital, anxious to improve their estates, a serious obstacle to the execution of their plans; so that from one cause or another the majority of authorities in India at the time would, if they had been consulted, have agreed in saying that the total abolition of this class of privileged ryots would be a real blessing, if it could be effected without disturbance of existing rights.

With these views Mr. Wingfield was strongly impregnated; and accordingly, when the time came for laying down detailed rules for recording existing rights, he directed that no distinction should be made in the record between tenants with rights of occupancy and tenants at will. This was, it must be allowed by all, an extreme measure. It was the more so because no attempt was at the time made to show that it was in accordance with existing facts. On the contrary, Mr. Wingfield and the other leading Oudh officials at the time

repeatedly acknowledged that occupancy rights in some form or another existed. The measure was in fact only justified by Mr. Wingfield on *a priori* considerations of general expediency. The destructive tendency of the order was, however, disguised by the provision that written leases were to be granted to every tenant—a provision that, here as elsewhere in India, has throughout remained a dead letter. Moreover, Mr. Wingfield, when in 1862 he was called on to defend the action he had taken, replied :—

“ He never professed to ignore the existence of cultivators, with right of occupancy as distinct from mere tenants at will but as he was convinced that there were no cultivators with rights of occupancy at fixed, *i. e.*, unvarying rates, in Oudh, he drew a broad line of separation, and did not think it necessary to particularize between cultivators with or without rights of occupancy. Indeed, he does not think the determination of this latter question and of what will hereafter constitute a fair rate of rent, subjects for general investigation at settlement. The record of the rates, paid at the time, is quite sufficient. To enter upon such an enquiry would be to rouse a spirit of antagonism between landlord and tenant, who, if left to themselves, would rarely dispute at all. The Chief Commissioner would leave each case to be decided as it may arise in summary suit for rent or ouster.” (Letter of 15th December, 1862.)

The argument amounts to this that, because there were no privileged tenants of a certain class, he declined to record the rights of *any* privileged tenants at all. But the dangerous tendency of his order was veiled by the fact that he left the status of the tenant to be decided in each case as the question arose before the Courts of law. Now, the Courts in Oudh were at that time guided by Mr. Wingfield's previous circulars, which really gave a very large degree of protection to the tenant. The landlord could not raise his rent beyond the fair rate of the Pergunnah. \* If, in the case of high caste cultivators, it were shewn that they had held for twenty years at reduced rates, *i. e.*, at rates below those of the Pergunnah, the landlord could not raise them during the currency of the settlement without the full consent of the tenant.† Nevertheless, anxious as the Courts of law might be to bring the privileged tenant within the range of these protecting clauses, experience in India has fully shewn that they would have been unable to do so, in the absence of a distinct record. Even had Mr. Wingfield, therefore, adhered to the position which he at first took up, the privileged tenants

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\* Circular of 12th April, 1859.

† Circular of 26th May, 1859.



would soon have disappeared as a class. But he presently advanced beyond his first position.

The chief judicial authority in Oudh had in his annual reports for 1861 expressed his opinion, that the refusal to place on record the status of privileged ryots—and no one at that time denied their existence—would certainly lead to the destruction of such rights, more especially as the Talooqudars were, in their position as petty Judges, allowed to decide cases affecting their relations with their own tenants.

Thereupon Lord Elgin issued the following order:—

“His Excellency is of opinion that the attempt to define accurately in the settlement records, the extent and limits of the rights of occupancy is, no doubt, attended with much difficulty. But it is admitted that such rights exist, and the tenants who enjoy them differ from tenants at will. You are, therefore, requested to state whether the omission of all reference to their rights in the settlement records, coupled with the judicial powers conferred on Talooqudars, will not have a tendency to obliterate them altogether, and thus to prejudice unjustly the status of the holders; and whether it would not be possible so to record them as to keep them alive, leaving it to the Courts to determine the precise nature of these rights, if disputes should arise on this head.” (Colonel Durand to Mr. Wingfield 18th May, 1863.)

Sir John Lawrence on succeeding to the Governor-Generalship in 1864, found the matter still in abeyance, and, remarking that it was the clear intention of Lord Canning to protect all then existing rights, asked what measures had been taken for the preservation of the admitted rights of the privileged ryots. To this Mr. Wingfield at once (2nd March, 1864) replied, that in his opinion Lord Canning had not had under consideration the rights of mere ryots; but that the Talooqudar would not object to maintain any rights which they might be found to possess; that he had himself already expressed himself “prepared to admit the existence of a modified right of occupancy;” that he had already collected information on the subject of tenant right in Oudh, and would, when he had digested that information, report more fully.

*Twenty-four days later* (26th March, 1864,) Mr. Wingfield reported that he now found that no rights of the kind existed, and that his former admissions were founded on a mistake of which further enquiry had convinced him. And what was the evidence which induced Mr. Wingfield to alter his mind in this extremely limited space? Of the sixteen district officers consulted, only four had stated distinctly that the class of privileged ryot was unknown. All the rest had agreed in the opinion that

there *were* under the native *regime* certain classes of cultivators, distinguished from the rest by the possession of special privileges. These were, either the leading men of the village (in cases where sub-proprietors were non-existent); or men of high caste and martial courage, on whom the landlord relied for support against attack; or the more industrious castes who helped to keep up the prosperity and paying capabilities of the village; or men who had reclaimed waste land, or had constructed at their own expense wells, embankments, tanks or water-courses; or even men who had no other claim to favour than long continued occupancy, but were on this account treated liberally by the landlords. It was certainly pointed out by many officers that there was no kind of tenant right that could stand against the superior force of the landlord, if he chose to exert it. But this was the case with all other rights as well during the period of misrule, and it remained true that certain classes of cultivators were maintained in a certain status either by the landlord's need of their services, or by his respect for the public opinion of the neighbourhood.\* All such cultivators, to whatever source they had owed the maintenance of their privileges, Mr. Wingfield proposed to reduce to one dead level as tenants at will, under a system which, by abolishing the need of mutual service and assistance that formerly bound class to class, must result sooner or later in rack-renting.

But here Sir John Lawrence interposed. Unconvinced that the enquiry had been sufficiently searching to warrant the conclusion that no privileged ryots existed in Oudh; seeing, on the contrary, that the very determination not to record them openly announced by the Oudh authorities, must have kept back the claimants, if any, of special privileges, he directed that provision should be made for the "impartial hearing" of all such claims." The superintendence of the investigation he offered to leave in the hands of Mr. Wingfield, but the latter having declined to be the instrument of reversing his own policy, it was committed to a Punjab official of note, Mr. R. H. Davies, who was, as Financial Commissioner, to be subordinate in administrative, but not in judicial matters, to Mr. Wingfield himself.

Before this determination was adopted, there was a somewhat animated discussion among the members of Sir. J. Lawrence's Government, on the point whether all enquiry, nay, all action, on behalf of the cultivators, was not barred by the previous

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\* Mr. Wingfield's astounding misinterpretation of the evidence will hardly be fully realized except by analyzing that evidence as printed at pp. 67-80 of the Blue Book of 1865.

declarations of Lord Canning's time. It was urged on the one hand, that though the "Sunnuds" given to the Talooqudars undoubtedly reserved to the Government the power of protecting all persons holding an interest in the land under the Talooqudars—terms which would seem to include the cultivators, nevertheless the terms of the Sunnud must be read in connection with Lord Canning's accompanying letter, which mentioned as entitled to protection, only "persons having an intermediate interest in the soil between the Talooqudar and the ryot." To this it was replied that a class of privileged cultivators, were such found to exist, would come under the designation of persons having an intermediate beneficiary interest between the Talooqudar and the simple ryot; and that however this might be, Lord Canning's intentions were to be clearly inferred from the distinct words "*all holding under the Talooqudar shall be secured in possession of all the subordinate rights they formerly enjoyed.*" Again, it was urged that Lord Canning had approved the order that the record of rights should make no distinction between cultivators with rights of occupancy and cultivators at will. To this it was replied that the approval was couched in the most general terms, and extended to the whole of Mr. Wingfield's proposals in the matter, including of course his intention to protect the ryot by leases, and by the action of the regular Courts deciding each case *pro re natu*. Any how the matter could not be considered so finally settled that it was out of the power of the British Government to retract; because, the Secretary of State had specially reserved his right to approve the record of rights in the following words:—"I abstain from further remarks on the contents of this paper, until such time as I shall receive it officially from your Government, with your Excellency's comments on the subject."

In our opinion the discussion turned on a needlessly petty issue. No one ever supposed that it was the intention of Lord Canning or of the Home Government to destroy any rights actually enjoyed. The only material issue, therefore, was what rights *were* actually enjoyed. And this issue was accepted by Sir John Lawrence. If Lord Canning failed to make special mention of the cultivators, it was because at the time it was believed their treatment would rest, not in the hands of the Talooquadars directly, but in those of the intermediate proprietors, who were believed in all but a very few cases to exist.

The evidence collected in the course of the investigation that followed, forms a most interesting and valuable addition

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\* Despatch of 17th August, 1861.

to the information already in existence, on the subject of Indian tenant right. We have not space enough for an analysis of it, but must content ourselves with a brief resumé of the points most clearly established. It was shewn in the first place indisputably (what had been only suggested before) that any interest in the soil enjoyed by the tenant was enjoyed solely in consequence of the forbearance of the landlord. It was vain therefore to search for a right. There may have been rights, or there may not. All that was certain was that there had, under the Oudh *regime*, existed no tribunal or Governmental authority which would establish them if claimed. It is true that the old form of *Sunnud* given to the local agents of the central power, contained the stipulation that they were to comfort the ryots, and to be careful that none of the collectors took more than half the produce, so that the ryots might not suffer. But only one doubtful instance was shewn of a tenant having appealed to the ruling power against the oppression of his landlord. The absolute power of the latter was sometimes stated in a very startling manner: *e. g.*, one native authority is found stating that "if dissatisfied with their cultivators, the "Talooquadar turned them out neck and crop, and *killed* them too."

And yet side by side with the fullest acknowledgment of the absolute power of the landlord, so absolute as to over-ride any adverse right of the tenant, there was a very general agreement that, except in one or two *very* disturbed parts, the cultivator did enjoy a very great amount of fixity of tenure, and a very considerable immunity from enhancement. We may instance the statistics submitted by Mr. Carnegie:—

"Of 411 ryots subjected to examination, the holdings of 373 " 'never changed' Of the remaining 38, 30 were found to have " '*voluntarily* relinquished' some of their fields; and there were " only *eight*, of whose holdings a portion had been reduced by the " landlord.

"That is, the number of those who, for various reasons, *themselves* gave up part of their lands, was but six per cent. The " number who lost some part by the action of the landlord, was " *less than two per cent.* This of course includes variation for " every kind of cause. And when we recollect the authority which " the proprietor holds, even in our older provinces, to oust the " hereditary cultivator for default or for any contravention of the " conditions of his tenure, one cannot but be astonished at the " almost entire absence of enforced change in Fyzabad.

"As might have been expected, the great bulk of the holdings, " 372 out of 411, had descended in the several families without

“partition: where partition did occur, the fields were divided with advertence to the means of the several members.

“As respects enhancement, the rents of 107, or 26 per cent., have never been raised; of 21 cultivators formerly Zemindars, only 8 hold at privileged rates; of 72 Brahmin cultivators, 31 hold at privileged rates; and of 15 persons of other high castes, only 7. The remainder of other castes pay full rates.”

Furthermore, there were found to be in almost every district certain classes of privileged cultivators. These may be ranged under one or other of the following heads:—

(1) The descendants of ex-proprietors, holding at favourable rates by the indulgence of the new men into whose hands the estate had fallen.

(2) The clansmen of the Talooquadar, enjoying a considerable approach to fixity of tenure, and an immunity from the higher rates of rent assessed on others. The reason of the indulgence shewn to the clansmen is thus described:—

“The social position of the clansmen, as related to the head of the estate, always commanded for them more favourable terms than those enjoyed by ordinary cultivators, but not more advantageous than those held by some other favoured classes. The ties of interest and of relationship and caste, bound the landlord and his clansmen-tenants together. The landlord derived much of his strength from the loyalty and numbers of these followers; hence, he could afford to give, and did give, favourable terms to those of his clansmen who settled upon his estate and rendered him the usual services required by their position.

“On the other hand, the clansmen very naturally clung to the parent estate, accepting the position in it which the custom of the country assigned to them. They had two strong holds upon the landlord: he could ill-afford to dispense with their services and support, and he feared that some influential member of the class might, if discontented, intrigue to oust him from the position of landlord, by obtaining settlement of the estate. Hence, they were very seldom removed from their holdings, and ordinarily occupied the same lands for generations together. It is to be noted, however, that, if ejected, they could usually obtain precisely the same terms in a new estate, as they had enjoyed on the old one.

“The title of this class rests upon three things,—their relationship to the landlord’s family, their length of possession, and the favourable terms they have enjoyed.”

(3) High caste men, including members of the religious fraternity—Brahmins, or of the fighting body—Rajpoots. Their

privileges were much the same as those of the second class, and they owed their favourable treatment, in the one case, to the superstition, in the other, to the military necessities, of the landlord.

(4) Long established and substantial cultivators, a very heterogeneous class. They, too, owed their favourable treatment to the fact that they had already rendered, or were able to render, special services to the landlord. They might, for instance, have already reclaimed waste land, or had constructed a well, a tank, an embankment, or a water-course, or had founded a fresh hamlet, or they were employed by the landlord to manage a part of the village, or were useful to him as contributing by their industry and abundant agricultural stock to the easy and certain payment of the revenue. As to the exact form of the privileges enjoyed by these ryots, there was considerable diversity of opinion. Thus Messrs. Carnegie and Harington shewed that those who had improved the land or had reclaimed waste, were allowed a reduction of the full rent rates. In other districts it was found, so searching was the system of exaction, that the fact of an improvement having been made by a tenant was regarded as a proof of his ability to pay an enhanced rate. Again, as to the class in general, it was stated by one authority that the landlord could enhance when he liked, but that enhancement was limited (1st) to a certain *customary* share of the produce, and (2nd) to the standard of the rates actually paid in the neighbourhood.\* Another officer produced instances in which the landlord had in open Court himself assented to the cultivator's plea, that long established cultivators are entitled to permanent occupancy, so long as they continue to pay the rent and agree to the proper assessment imposed on them.† The more common rule was, however, that the long established cultivator was held entitled to the refusal of the holding at the market rate of rent. If a *bond-fide* offer of an enhanced rate was made, the continuance of his holding at this rate was offered to him, and till he refused he was not ejected.

Undoubtedly the point brought out most strongly by the enquiry was, that though many cultivators were found in the enjoyment of exceptional privileges, they owed that enjoyment solely to the favour or interest of the landlord.

Such being the aspect of the case as regards the evidence of the existing state of things, the question arose as to the action

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\* The term used, "Chupperbund," properly means resident cultivators: but, as a matter of fact, the Chupperbund cultivator represents, as a rule the constant element in the cultivating class.

† Page 103 of further papers.

which should be taken by the State for the future. And the discussion of this question assumed two phases, according as the argument turned on general expediency, or on strict adherence to alleged guarantees.

On the first point it was urged that the enjoyment of their privileges by certain classes of cultivators might be left, as heretofore, dependent on the landlord's own sense of interest. It was true that the landlord no longer stood in need of the services of his cultivators for support against attack or oppression. But in another respect a contented and prosperous tenantry would be as indispensable to him as ever. The demand for land on the part of cultivators would long continue to be slight in comparison with the demand for substantial cultivators on the part of landlords. So that, even were the State to withhold all protection, the status of the tenant would not be altered. Under this view of matters, it would be in the highest degree unwise to interpose between the dependent and his superior a regulating and protecting authority whose influence, however much theory might have justified its exercise, was not at all events, as a matter of fact, exercised in the times of the Oudh kings. The beginning of interference in the relations of class and class was, we knew from the experience of other provinces, like the letting out of water. No one could tell where it would stop.

On the other hand it was argued, that though a contented tenantry was *now* necessary to the landlords, the necessity was a passing one; that, as their dependence on the cultivator for support against violence had ceased with the establishment of settled rule, so their dependence on him for the profitable cultivation of the soil would cease with increasing population, increasing value of property, increasing competition for land; and that the liberty of unlimited rack-renting and arbitrary eviction which we were now proposing to leave to the landlord, but which would, for a time, remain inoperative, would then be freely put in force. The relation between the two classes would then become seriously different from what it had been in native times; and a peasantry reduced to a dead level of poverty, would trace the difference between their present and their former state to the action of the ruling power. Was it wise then to withhold such a recognition of distinctive privileges as might prevent so great a calamity?

Mr. Wingfield however, his followers in Oudh, and his supporters in higher quarters, argued that whatever view might be taken of the matter on the ground of expediency, as a question of right there could be but one conclusion. On the

strictest interpretation of Lord Canning's words—and even that application of them was doubtful—he had only guaranteed the maintenance of *existing rights* as against the over-riding right of property conferred on the Talooqudars; that the enquiry ordered by Sir J. Lawrence was strictly confined to the issue, whether any privileged cultivators existed by *right*; and, that the Secretary of State, when reviewing the proceedings, had limited the enquiry to this issue in the most distinct manner. Now, nothing could be clearer than that any exceptional privileges enjoyed by the tenant were enjoyed not as a right but as a favour, by the clear act of the landlord in refraining from exercising the absolute power which lay in his hands. In opposition to this view of the question it was felt that, in the strict sense of the term, any search for *rights* in a society so anarchic as that of Oudh before annexation, was from the first futile; that if rights calling for recognition are synonymous with privileges actually, and as a matter of fact, enjoyed, then the rights of the Oudh tenants *were* such; and that it was only in this sense that *any* one—Talooqudar, sub-proprietor, or tenant, was in those times possessed of any right at all.

The matter was further complicated by the discovery that in the first year of his tenure of office, and before he had altered his views about the non-existence of tenant right, Mr. Wingfield had laid down definite rules extending to the tenant in Oudh a degree of protection such as he enjoyed *in no other province*. We have once before touched on these rules. According to them the Talooqudar could not, as we have seen, during the currency of the settlement enhance the rent, however low, of a high-caste cultivator, if he had paid at that low rate for 20 years. And the rent of *no* tenant could be raised by the Talooqudar above “fair rates.” Against any attempt to enhance above this rate, or to enhance at all without due notice, or to oust a tenant willing to pay fair rates, the tenant might claim protection from our Courts.\* This protection Mr. Wingfield now proposed to withdraw and to confine the jurisdiction of

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\* Mr. Wingfield made an attempt to show that his protecting Clauses were intended to apply not to cultivators but to sub-proprietors: and that even when he used the word “tenants” he had meant “sub-proprietors.” The attempt was an ill-advised one, for it was shown clearly that he had first made a distinction between sub-proprietors and non-proprietary cultivators, and *then* applied the protecting Clauses to the latter. Moreover, Mr. Wingfield, in the subsequent negotiation, made it throughout a primary condition that his own circulars, that had hitherto guided the Courts in respect of cultivator's occupancy and rates of rent, should be withdrawn.



the Courts to complaints of illegal distraint, breach of contract, or of ouster in the middle of the agricultural year. It must be allowed, however, that he proposed to give a wide interpretation to the term contract. All suits for rights acquired by clearing waste or making other improvements, would be claims based on contract express or implied, and would, therefore, still be open to a hearing, not however in the expeditious and inexpensive Summary Courts, but in the regular Civil Courts—a proviso quite sufficient to make the privilege useless to the tenant.

An account of the negotiation that followed between the Government on one side and Mr. Wingfield on the other, as interpreter of the Talooqudars' views and champion of their rights,—a negotiation which occupied the first four months of 1866,—would be extremely interesting as a matter of history, but, as it resulted in no settlement of the question, we pass it over. The Talooqudars very respectfully but firmly declined to acknowledge that any class of tenants had established a right to protection—not even the class of ex-proprietors whose claim to consideration appeared strongest. Even they, said the Talooqudars, though holding at favourable rates during the native regime, were allowed to do so by us only as a matter of favour, and we cannot consent to allow them a legal status, and thus give them a *point d'appui*, on which to ground a claim for Government interference on their behalf hereafter.

## V.

In April 1866, Mr. Wingfield resigned the service and left India. He was succeeded by Mr. John Strachey, an official of considerable note in the country, who to the versatility of talent and administrative power which are the especial characteristics of the best class of Indian officials, adds a power of comprehending the true value and purport of evidence, which is a rarer gift. He found the two questions that we have described still undecided and pressing urgently for solution: the first,—that which regarded the relation of the Talooqudars with the sub-proprietors; the second,—that affecting their relation with the actual cultivators of the soil.

He discerned that, of the two questions, the former was by much the most important in the eyes of the Talooqudars; that, if it were settled to their satisfaction, they would be willing to acknowledge and give a legal value to certain privileges possessed by certain classes of cultivators, notably the ex-proprietors; and that their former refusal to recognize these men's claims had been the result of a fear lest *ex-proprietors* should

become confounded with *sub*-proprietors, so that favourable terms granted to the one class might come to be regarded as concessions to the other. With the actual tillers of the soil, indeed, their dealings were neither so numerous nor so direct as with the under-proprietors. In general, they dealt with the former through the latter. He was able therefore without difficulty to procure the assent of the Talooqudars to a compromise,\* the general effect of which was as follows:—

The conditions which should entitle a village proprietor to a sub-settlement were put on a clear and precise footing depending, (1) on the strength of the interest which he had retained in the village, (2) on the length of time during which he had enjoyed that interest. The rules were made so precise as to relieve the Talooqudars from their great fear that the Courts of Law, misinterpreting the policy of Government, might decree such rights to a former proprietor as to deprive them of their superior interest in the land.

When the profits of the sub-proprietor were found to have been so reduced that his retention of the management of the village would be at once valueless to himself and a bar to the agricultural improvement of the estate, a sub-settlement was to be denied, and, in its stead, he was to be given a compensating allowance of *seer* and *nankar* lands. When the profits were found to be only a little below the amount at which the management could be vested in him with advantage to himself and to the estate, they were to be raised to that amount at the joint expense of the State and the Talooqudar; that is to say, by a diminution from the shares of the rental enjoyed by the State and the Talooqudar respectively.

Next as regards the cultivators, Government agreed that all Mr. Wingfield's orders which recognized a right or preference of occupancy in non-proprietary cultivators should be cancelled.

A declaration was to be made that, as it had been proved by the late enquiry, that the cultivator had at the time of annexation no right of occupancy which could be successfully maintained against the will of the landlord, the Government could create no such right now.

The Talooqudars, on the other hand, were to recognise the privileges of all cultivators who had once been proprietors of their lands, so that the favourable terms hitherto enjoyed by them, as a matter of indulgence, would now be put on a legal basis.

All cultivators, moreover, were declared entitled to consideration on account of improvements made by them, if their landlord attempted to oust them or to enhance their rents.

We have hitherto, whenever it was possible, refrained from expressing our own opinions on the grave questions discussed in the course of this controversy. But here we must remark that in this compromise, by which the claim of the tenant to protection is made to rest, not on mere length of occupancy, but, on his exertions to improve the estate, there lies the greatest hope for the satisfactory solution of the most vexed of all questions in India—the relation between landlord and tenant. It is clearly seen by all that a time must come, in the history of each part of the country, when, the competition for land becoming extreme, some protection must be afforded to prevent the tenants from sinking into one dead-level as poverty-stricken tenants at will. In other provinces, we are bound by our previous acts to recognise occupancy in some form or another, as the basis on which this title to protection should rest. Even there we may legislate for the future. Our hands are, or should be, tied in dealing with the present generation, with the men, that is, who now have vested interests, and their successors: but we can, if we choose, adopt this healthy feature of the Oudh compromise in defining what manner of right shall be suffered to grow up in future. Nor should it be forgotten that the merit of the idea is due in great part to Mr. Wingfield. Although the process designed by him for enforcing the privilege was so expensive as to be prohibitive, yet cleared of this unessential defect, the measure was grounded on a correct theory. Of all forms that protection can assume, this form is the least open to objection, inasmuch as it rests on an implied contract between landlord and tenant, on a tacit engagement that the tenant shall be guaranteed the enjoyment of the profits, as he has been allowed to bear the cost of his improvements.

Thus then, to the contentment of all parties was a question settled which had given rise to more acrimonious discussion than any Indian topic of our day. Even now, there are not wanting men who say that a great effort was, luckily without success, made by Sir John Lawrence as Lord Canning's successor, to overthrow Lord Canning's policy. Of what do these men complain? That an enquiry was made into the existence or non-existence of tenant-right in Oudh? But that enquiry was *commenced*, not by Sir John Lawrence in 1864, but by Lord Elgin in 1863. That Sir John Lawrence, refusing to accept Mr. Wingfield's assertion that tenant-right was non-existent in Oudh, ordered a further and more searching investigation to be made? But Mr. Wingfield's assertion was refuted by the very statements on which he relied to prove it. Or do they complain that, whereas Lord Canning

had protected only such subordinate rights as had survived till the very year of the annexation, the present Governor-General extended protection to all rights that had been enjoyed twelve years before that time? But the insufficiency of Lord Canning's provision was noted, not by Sir John Lawrence, but by Sir Charles Wood at home.

Then as to the *success* of Sir John Lawrence's policy. •But for the action which was taken under his auspices—which indeed any statesman in his position would have taken—an old proprietor who had managed to maintain his rights through all the anarchy of previous years, but had lost them through violence or accident a year before annexation, would have been held to have lost them for ever. A mortgagor who had mortgaged his village at the same time would have lost for ever the right to redeem. An estate which had never been incorporated in a Talooqua, but had been by mistake included in it during the truly summary settlement of 1859, would have been lost to its old proprietor for ever. One large class of cultivators, the ex-proprietors (estimated by Mr. Wingfield at one-fifth of the whole number), would have lost all title to the favourable terms by which, as a matter of fact, they had till then been distinguished from the mass, and would have justly attributed their decadence to the introduction of the British rule. *All* cultivators, moreover, would have lost their right to enjoy the fruits of the improvements they had themselves effected, unless they had succeeded in proving the existence of an “implied contract”—always a difficult thing—by an expensive process in a Civil Court.

In our eyes, this comparison of the action taken by the two Governors-General is only another instance of the inveterate tendency of all questions on general policy to degenerate into personal discussions on this or that particular man. Putting aside all such discussions, have not all Sir John Lawrence's modifications of Lord Canning's policy been right? Will any one say that, had Lord Canning survived, he would not have gladly accepted them himself? The truth is that Lord Canning adopted a policy admirably adapted to the immediate pacification of Oudh, and also, by good fortune, suited to the permanent wants of the province. He did not know, and there was no evidence at the time to shew him, that he was creating a kind of property absolutely unknown to either Hindoo or Mahomedan law. Of the exact nature of the subordinate interests he was necessarily ignorant, but he repeatedly expressed his intention of protecting them all. As evidence regarding those rights broadened and multiplied, more and more

definite action regarding each of them became necessary. By good fortune, the period when it became needful to shape with precision the land systems of the province, coincided with the rule of one who from his sympathy with the people of the country, is not prone to adopt ill-considered innovations ; and if Oudh has been spared the mistake made in other provinces, of conferring the property in the soil too exclusively on this class or that, it is to the check placed by Sir John Lawrence on over-hasty action that she owes that blessing.

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ART. VII.—*The Indian Contract Law, 1867*—being a Bill published in the *Gazette of India Extraordinary* of Friday, August, 2nd, 1867.

SIR James Mackintosh was of opinion that there is but one way of forming a Civil Code, either consistent with common sense, or that has been ever practised in any country, namely, that of gradually building up the law in proportion as the facts arise, which it is to regulate. This opinion was rather founded on the experience of the past, than deduced from the possibilities of the future. The Codices Gregorianus, Hermogenianus and Theodosianus were indeed collections of law that had already been applied to individual cases, or of principles easily deducible therefrom. The Codex Justinianus was framed from the Codices Gregorianus, Hermogenianus and Theodosianus and also from the constitutions of Theodosius made subsequently to his code, from those of his successors and from the constitutions of Justinian himself. The Code Napoleon\* was founded on a large practical experience of the past, with however a large admixture of Roman Civil Law. The different codes compiled in America for the use of the various states have had, as their ground-work, those broad principles of the Civil Law, which have been adopted and are still acknowledged in most modern civilized societies; but the plan of the whole superstructure, the arrangement of the parts and not a little of the material used therein, have been taken from the Case Law of the country, directly laying down or indirectly indicating the rules of substantive or adjective law most applicable to a new and vastly increasing society constituted under an organization somewhat different from that of the old world.

So far the opinion of Sir James Mackintosh would seem to be borne out by facts and by what has actually occurred. The Law Commissioners for India have, however, entered on a new and hitherto untrodden way. They have not attempted to build up

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\* The term "Code Napoleon" is sometimes confusely employed to designate all the codes in use under Napoleon's administration; viz., the Code Civil des Français, the Code de Procédure Civile, the Code de Commerce, the Code d'Instruction Criminelle, the Code Penal, the Code Forestier, the Code de la Conscription, and the Code Militaire. Of these the first only, promulgated in 1804, as the Code Civil des Français, and proceeding from the French Revolution, was afterwards called, when Napoleon became Emperor, the "Code Napoleon."—See the *Life of Napoleon by Vissieuux*.

the law in proportion as the facts arise, which it is to regulate. If we except the Presidency Towns, where the state of things to be legislated for is more English than Indian, we will find that the law has been in many instances prepared beforehand for the facts that are yet to come. This remark applies more directly and particularly to those portions of *substantive* civil law which have as yet occupied the labours of the Commissioners. It applies however in some degree to the Civil and Criminal Codes of Procedure and to the Penal Code. Here, in the absence of any thing that could deserve the name of a system, it was absolutely necessary to break fresh ground in many directions, but it is, we believe, generally understood, at least as far as the Procedure Codes are concerned, that the result of the experience of facts which may from time to time arise, will be incorporated with these Codes, on the occasion of those periodical revisions which have been contemplated as part of a scheme the success of which will materially depend upon those revisions being carefully and regularly carried out. We have, in former articles, expressed an opinion, as the result of our experience, that these Codes have been productive of unmixed good. They have introduced a system where there was no system; and they have enabled a certain class of practitioners to understand the Procedure of the Courts, which before was unintelligible because it depended on the conscience of the *Hakim* and his construction of the vague idea conveyed by the term "General Regulations."

A code of substantive Civil Law is much more intimately connected, than adjective law or substantive Criminal Law, with the degree of advancement and civilization enjoyed by the community legislated for. An intricate and elaborate state of society, involving endless combinations of facts, requires a system of law capable of meeting and being adapted to each of these combinations. A few simple rules are sufficient to accommodate the requirements of a simple state of society. It might be possible, but it would be very difficult to construct a code that would suit alike the demands of a very simple and a very intricate state of society; that would resemble the steam-hammer, alike capable of cracking a nut without breaking the kernel, and of welding with giant force mighty masses of unwrought iron. But such a code, like the hammer, should be placed in skilful hands, in the hands of those who understood and knew how to apply it to things little as well as great, simple as well as intricate, seeing no difficulties where there were really none, and able to deal with such as required care and delicate manipulation.

In preparing then a code of substantive Civil Law for India, the great difficulty that presents itself at starting is the fact, that India comprises so many different races and tribes, and so many degrees of civilization and progress. In the Presidency Towns we have an English state of society, trade and commerce conducted on the principles which obtain at home, and an important community who naturally wish for institutions and laws similar to those of which they have had experience in their own country. There would, therefore, be but little objection to the introduction of pure and unmixed English law in the Presidency Towns. From this state of things we have many descending gradations as we leave the large capital centres, till we reach those districts which are most remote and most removed from the busy influences of the Presidencies. These different grades might not inaptly be compared to the different classes at a large school; and the task imposed upon the Legislator, to that of a school-master who would endeavour to contrive lessons equally appropriate for the highest and lowest forms. It might naturally be expected that these lessons would be too hard for the little boys, while they would be too easy for the big ones, and that the education of both would suffer; the attempt to force the former, and a retrograde system with the latter being equally injurious in their respective applications. We do not deny that the system might benefit some on the middle forms, but we contend that they might be otherwise equally benefited without any injury to the important extremes.

In framing a Civil Code for India, the Commissioners have been unable to follow Sir James Mackintosh's plan and gradually build up the law in proportion as the facts arose which it was to regulate. They have taken the facts ready made as existing in England and in the Presidency Towns of India, and on these they have constructed a code. A few isolated facts may, indeed, have been collected here and there over the vast territories legislated for; but they *are* isolated ones; and in nine-tenths of those territories, no facts have as yet come into existence. When they do arise, they will have to accommodate themselves to the law already made for them, and will have to fit themselves into moulds already prepared for their reception. If those moulds be composed of material hard and inflexible, the result cannot fail to be unsatisfactory, if not injurious. On the contrary, if they be flexible and capable of adaptation to circumstances, and if the experiences of new facts be carefully watched and embodied in periodical revisions, the result may be satisfactory, but there will be, and must be, many cases of individual hardship.



In indicating, as above, the difficulties which beset the work of legislation for India, we do not mean to convey any opinion that the Law Commissioners had any other course open to them which they should have followed in preference to that which they have adopted. We seek to account for partial failures which must be anticipated, and to show that complete and immediate success is well nigh impossible. But, at the same time, it must be remembered that many minor disadvantages are, to a certain extent, counterbalanced by one great advantage, *viz.*, that of uniformity shadowing forth, in the distant future, the hope of a great empire united and adhering together by a unity of laws and institutions. We would further represent to the Law Commissioners the danger of sending out anything from home, which is not to be altered in principle or otherwise here in India. It is hardly too much to say that there has been scarcely a single measure which we have taken with respect to this country, that would not have been modified in important particulars had we, at the time of taking it, the same knowledge of facts that subsequent experience revealed to us. For many reasons well understood by those acquainted with the character and disposition of the natives of India, it is very difficult to elicit from them that practical information which must be the ground-work of successful administration. There is therefore, in Indian affairs more than in those of any other country, no point at which the satisfied enquirer can safely rest and feel certain that he has exhausted all means of information on any one subject. Let the experience of an individual have been as extensive as possible, he should never trust implicitly to its results and negative the admission of further evidence. Such of the Commissioners, therefore, as have themselves had Indian experience, or have been able to avail themselves of such experience, should not accept their own conclusions as infallible, to the exclusion of all testimony depending on the experience of others or experience subsequent to their own.

With this brief review of the difficulties of the general subject, we proceed to notice that particular portion of it which we have selected for discussion in our present article. The theory proposed for the construction of these codes of substantive Civil Law is that of simplified English law applied to India. The difficulty of including a large body of law in a set of propositions capable of immediate, ready, and successful adaptation to all the combinations of circumstances that may occur, can hardly be estimated aright by any one who has not himself attempted the task. Mr. Addison's work on the Law of Contracts contains 1091 closely printed pages of royal octavo. Mr. Chitty's work contains

796 pages. This immense body of law it has been sought to *simplify* and to compress into 263 Sections, occupying 31 pages of the *Gazette of India*. Yet neither Mr. Chitty nor Mr. Addison profess to treat the whole subject of contracts exhaustively: and portions of the subject, forming a subject in themselves, have been separately treated in volumes of equal size with those of Chitty and Addison. The Law of Bailment, of Agency, of Partnership, have furnished matter for many a bulky treatise. These portions of the Law of Contracts occupy respectively in the proposed Bill 33, 61 and 29 Sections. How difficult must be the task of preventing brevity from becoming obscurity, and of blending in a single proposition various possible applications of the same principle!

The theory of the code is, as we have remarked, simplified English law applied to India; and the new Bill contains nothing that will not be found in Chitty or Addison, except those Sections in which the Commissioners have thought fit to differ from the principles of English law. There is much however in Chitty or Addison, that finds no place in the Bill, which from its length, as might be expected, is limited to the enunciation of general principles, which are not followed out in detail or through their more extended ramifications. If we except the changes which have been introduced into the English Law of Contracts, we think the work of simplification will, in other respects, be found to consist in avoidance of those details and ramifications which cases will supply as they arise; and which, on Sir James Mackintosh's principle, may be well embodied in future revisions of the code. There can be little doubt but that the Commissioners have in this respect acted wisely. The attempt to include in the first promulgation of the Contract Code all possible details and ramifications, would be to fetter and shackle the application of general principles which, if not thus confined, may be found to adapt themselves to the state of things existing in India. It will, however, be evident that for the more advanced parts of the country, the code will be found in some respects defective as not providing for combinations of circumstances which have there already arisen and are already in existence.

The Commissioners propose that the new Contract Law be of universal application in India; and in the statement of objects and reasons it is remarked, that this recommendation appears to be justified not only by the abstract consideration that contract is a branch of the law on which men of all times and races have come most nearly to identical conclusions, but also by the actual condition of the Law of Contract in

India, which is thus described by the Commissioners : " Within the limits of the Presidency Towns, the decision of suits of this nature is practically governed by the law of England, and everywhere else the Judge is to a great extent without the guidance of any positive law beyond the rule, that his decision shall be such as he deems to be in accordance with justice, equity and good conscience. It is stated, and correctly equity, we believe, that the decisions assumed to be dictated by justice, and good conscience, have of late years been much affected, as a fact, by the English Law of Contract as gathered from the ordinary text-books in use among English practitioners."

With respect to the first of these two arguments, it may be well by way of test to compare some of the principles of Hindoo and Mahomedan law with those of the proposed code of simplified English law. According to *Vrihaspati* and *Ménu*, insanity, minority, coverture, lesion, error, force, fraud, incompetency, incapacity, and revocation are each the cause of effecting the dissolution of obligations. Degradation, entry into a religious order, and any predicament that operates as a civil death, have a similar effect. According to Colebrooke, mistake is a good ground for voiding a contract. No fine distinction is drawn between mistake of fact and mistake of law; but the general principle is alike in both systems. Any species of duress is also a good ground for rescinding a contract, though in this case the contract is voidable rather than void. The Hindoo law as to the rescission of a contract on the ground of fraud goes in theory beyond English law, though in practice it has never been carried so far. The necessity of a good consideration is perhaps not so essential to a contract under Hindoo law, as under English law: but this is easily explained, when we remember that the Brahmins were the legislators, and that *gifts* to Brahmins were regarded as meritorious by the legislators themselves. The Mahomedan law of Contracts was perhaps not so well defined as that of the Hindoos, but the argument of the Commissioners will be supported by many passages therein. *Sale* was defined to be a mutual and voluntary exchange of property for property, and was capable of being effected by the express agreement of the parties or by reciprocal delivery. A minor *with the consent* of his guardian, or a lunatic in his lucid intervals, might be contracting parties. A warranty as to freedom from defect and blemish was implied in every contract of sale, which is going farther than the English doctrine of "*Caveat emptor*." An option of dissolving the contract was annulled by the vendee exercising any act of ownership. The Mahomedan law differed

considerably from that of England in regard to the rescission of a contract of sale, allowing the return of the thing sold in many instances in which the English vendee will have to retain it and can only sue for damages for the breach of the warranty. Selling on Friday after the hour of prayer was prohibited, though such a sale when made was valid, contrary to the English statute on the subject of sales on Sunday. The new code does not invalidate sales made on the sacred day of any religion. Acceptance and seizin were necessary to the validity of a gift, which was null and void where the donor continued to exercise any act of ownership over the subject of it. A claim founded on a verbal engagement was of equal weight with a claim founded on a written one. Contracts were not dissolved generally by the death of one of the contracting parties, but they devolved on the representatives as far as there were assets, unless the subject of the contract were of a personal nature. Were it possible in instituting a comparison to traverse within our present limits the whole field of the Hindoo and Mahomedan Law of Contracts, we would find that there is little in the *practical* portion of these systems at variance with the proposed code. In the *theoretical* portion, which owed its existence to the metaphysical subtlety of the oriental mind, we might perhaps find a good deal that would not fall in with the contents of the Bill: but this has not been tested in practice and cannot be said to have ever found its way into the actual daily transactions of the people.

With respect to the second argument, that the existing tribunals of the country have drawn largely on the English system of contracts in administering the law in accordance with justice, equity, and good conscience, and that therefore a code of simplified English law will be no innovation, we entirely agree with the Commissioners. The most able of the Judges of the old Sudder and Provincial Courts and also of the District Courts were satisfied, after a little experience, of the difficulty of evolving a satisfactory system of equity out of their own minds and their own moral consciousness, and gladly availed themselves of a system which they found ready at hand for immediate use. It has thus happened that nearly all the decisions of these Courts which are still defensible, are in accordance, for the most part, with English law: and those which are doubtful rest on technicalities misapplied, or raise a suspicion that the principles sought to be applied were not thoroughly understood.

The Sections relating to sale, in the proposed Code, are not intended to be applicable to *immovable property*. No doubt,

these Sections would not apply as they stand; but we regret that the sale of immovable property is thus left unprovided for. Dealings in land are very numerous among the native community, and in these dealings there is a degree of fraud and chicane and uncertainty, which renders it very desirable that contracts for the sale of immovable property should find a place in the new code. It is not our intention, in the present article, to attempt to point out *all* the omissions in the Bill. We have already remarked that in enunciating the main principles only, and leaving their ramifications for future legislation, as facts arise, the Commissioners have, in our opinion, done wisely. There are, however, certain main principles and species of contracts, which we might expect to find in a Bill bearing the general appellation of the "*Indian Contract Law*," but which have not been included therein. We have just noticed the omission of contracts relating to immovable property, an omission which is specially noticed in the statement of objects and reasons as having been made, though the reasons for making it are not given. For the same reasons, doubtless, the contract of *mortgage* is omitted. Wagering contracts are touched on only incidentally and not by name. Contracts of insurance and demise find no special place. The liability of a hotel-keeper is not defined. Contracts of marriage are omitted, as also many important subdivisions of the Law of Contracts relating to services and work. The question of the remuneration of medical men and of advocates is left untouched, and the code is silent as to contracts with domestic servants. We do not propose to discuss these omissions in detail. We merely remark that we would gladly have seen some of the above subjects included in the "*Indian Contract Law*."

We now proceed to consider the changes made by the Bill in the English Law of Contracts. The first and most important of these is the abolition of the necessity for any contract being in writing. The English Statute of Frauds is declared to be unnecessary in India. The innovation conveys a delicate compliment to those for whom we legislate, but we do not approve of the innovation as proposed to be carried out. It is impossible to estimate the good that has been done in England by this admirable statute, in establishing exact and fair dealing between man and man, the temptation to perjury being removed, which exists when bygone transactions depend upon the uncertain testimony of slipshod memory alone. The Statute of Frauds has been declared by high authority to be one of the wisest laws in the statute-book. Lord Nottingham said of it that every line was worth a subsidy,



occasion, however, the problem admits of an easy solution. Give India a suitable Statute of Frauds, but make written contracts compulsory only on those who can read and write. We are well aware that, when only one of the parties to a contract can read and write, (as in the case of a village mahajun making a loan to an illiterate ryot,) reducing the contract to writing opens a door to fraud. In many cases neither the obligor nor his witnesses can read or write. The mahajun's mohurrir or scribe writes the contract and the names of all the parties and witnesses, who merely touch his pen. The writing is read out, but if a dispute arise, it is very easy for the mohurrir (who is generally employed by and devoted to the mahajun), to write another contract with the same names and marks, but with different stipulations. The illiterate ryot and his illiterate witnesses have only the testimony of "slippery memory": they get confused on cross-examination about the stipulations: they know there was a writing, and that their names were put down and they made their mark: and in the document produced in Court are their names and marks: and the stamp is to all appearance the same: they get doubtful of their recollection, and writing in such cases only assists fraud. It would be wholly different if both parties to the contract and the witnesses could read and write, and if the statute of frauds only applied to such cases. Such a regulation would meet alike the requirements of the most advanced and the most backward parts of the country.

The next point concerns promises made *without consideration*. According to English law such promises bind only when made in writing under seal. The Code, however, makes no distinction between simple contracts and contracts under seal. It is, therefore, proposed that such promises be made binding only when made in writing, and when such writing has been registered under the provisions of the law for the time being as to the registration of assurances. There can be no possible objection to the proposed provision necessitating, as it will, due deliberation on the part of donors. The number of cases with which this portion of the law is concerned, is moreover so very small that the settlement of the matter, one way or another, cannot be productive of any very serious consequences.

Under English law a promise by a creditor to give time for the payment of an existing debt, or the acceptance by him, in full satisfaction of his demand, of a smaller sum than that which is due to him, is not binding on him unless there has been some new consideration given for it, such as an undertaking to give an additional or different security, or to pay the

debt in a manner or at a time more advantageous to the creditor than that originally agreed upon, or unless the creditor's engagement to take less than his due or to give time be contained in a composition-deed or agreement entered into by the creditor with his debtors generally, the consent of the other debtors being regarded as a sufficient consideration for the agreement of any individual debtor. In all these cases the consideration is usually very slight, and in some merely nominal. The general rule, that the adequacy of the consideration will not be very closely looked into, is here carried to its extreme length. The Commissioners, therefore, propose to enact that a person who is entitled to claim performance of an engagement, may dispense with or remit such performance wholly or in part, or may accept instead of it any satisfaction which he thinks fit. Now, if the engagement be for the payment of money, and if the person entitled to claim performance wholly dispense with the performance of it, this is nothing more or less than a gift of the sum due, a contract without consideration, and therefore strictly analogous to the case already provided for by registration. We would therefore suggest that in the present case also registration be made essential to validity. According to analogy with English law, which makes the gift of a chattel valid if accompanied with delivery, we would enact, that an agreement to dispense with or remit the performance of an engagement in part, without consideration for the part given up, be valid only if followed out by performance of the portion not dispensed with or remitted.

The next proposed innovation concerns goods sold by a person who has no right to sell them; as for example, by a thief or receiver of stolen property. The rule of English law is that the owner retains his ownership in such goods notwithstanding his having lost them and their being sold to a third person, unless they have been sold in market *overt*, or open market. In the country, market *overt* is a fair or market held at stated intervals in a particular place, by virtue of a charter or prescription. In the city of London every shop is, except on Sunday, a market *overt*. In order to render the sale good, it must be made in a place that is open (so that any one who passes by may see it,) and that is proper for the sale of such goods. It must be an actual sale for a valuable consideration. The buyer must not know that the seller has a wrongful possession of the goods sold. The sale must not be fraudulent between two, to bar a third person of his right. The contract must be originally and wholly in the market *overt*. The sale must not be in the night, but between sunrise and sunset. A sale in



market overt will not, however, bind the crown. In order to obviate the hardship on private individuals, if their property were stolen and sold in market overt, and to stimulate them to assist in bringing offenders to justice, it was enacted by 21, Hen. VIII. cap 11, and more recently by 7 and 8 Geo. IV. cap 2<sup>d</sup>, Sec. 57, that the property in all chattels which have been stolen and afterwards sold in market overt shall revert, *on conviction of the thief*, to the original owner from whom they were stolen, so as to entitle him to maintain an action against the purchasers for the goods or the value of them without obtaining an order of restitution. Such is the English law. The change proposed by the Commissioners we give with its reasons in their own words: "It cannot be denied that the subject is difficult. We have to consider, on one hand, the hardship suffered by an innocent person who loses in this way his right to recover what was his undoubted property. But, on the other hand, still greater weight appears to us to be due to the hardship which a *bonâ-fide* purchaser would suffer, were he to be deprived of what he bought. The former is very often justly chargeable with remissness or negligence in the custody of the property. The conduct of the latter has been blameless. The balance of equitable consideration is therefore on the side of a rule favourable to the purchaser; and we think that sound policy with respect to the interests of commerce points to the same conclusion. We have, therefore, provided that the ownership of goods may be acquired by buying them from any person who is in possession of them, if the buyer acts in good faith, and under circumstances which are not such as to raise a reasonable presumption that the person in possession has no right to sell them. Similar provisions have been inserted—in accordance, we may observe, with the spirit of the Factors' Act—to meet the cases of those who have purchased goods or taken them by way of pledge, from persons in possession of any documentary title to the goods, where the circumstances are not such as to raise a reasonable presumption that the person in possession of the document has no right to sell or to pledge the goods. It would seem that by the English law if a buyer, or any person claiming under him, is by reason of the invalidity of the seller's title deprived of the thing sold, he cannot claim compensation from the seller for loss thereby caused. We propose that in such cases the seller shall be responsible, unless a contrary intention appears by the agreement."

If these propositions of the Commissioners become law, it is evident that the innovation on the English system will be

considerable. It will not, however, be so great as it might at first sight appear. Let us first suppose the vendor to be a man of substance, from whom the value of the property can be recovered. The owner will not be a loser, as he will be entitled to sue the person who has sold his property without the right to do so. If the purchaser have not acted in good faith and under circumstances which raise a reasonable presumption that the person in possession had a right to sell, he, too, will be liable, and the owner will thus have a two-fold remedy. If the seller be a man of no substance, the owner will no doubt be a loser in those very exceptional cases in which the buyer will not be liable also; but where the seller is a man without substance, it will seldom happen that the buyer will have acted in good faith and under circumstances which will raise the reasonable presumption that the seller had a right to sell. The sale will have been made at a time or place or for a price that will form a material element in the consideration of those circumstances. The only difficulty that occurs to us is as to the party upon whom the burden of proof shall rest. Will the owner have to prove *mala fides* in every case against the buyer? or will the possession of the property in any case, for instance in the case of stolen property, be sufficient to throw upon the buyer the *onus* of proving *bona fides*? Cases might well be conceived which would involve considerable difficulties either way. We think the point ought to be provided for. As the Section stands, the entire *onus* will fall upon the owner, and the difficulty of proof is considerable. There is no doubt that the fact of an owner being able to take back his property, without paying the price given by a purchaser from one who sold without a title, tends to render men more cautious in making doubtful purchases. If the law in this respect be altered, and at the same time the whole burden of proving *mala fides* be thrown upon the unfortunate owner, it may lead to hardship and encourage loose purchases. It is remarkable that English law is peculiarly hard upon the person who buys from one who has no title to sell. He has to give up the goods to the owner without price, and he cannot sue the seller as, in the absence of fraud, the law implies no warranty of *title* on the sale of movables. It is not very obvious why the Commissioners imply a warranty, while at the same time they leave the goods with the buyer in the absence of *mala fides*. There is only one more suggestion we have to make in connection with the matter, and that is that in the particular case of stolen property bought in good faith by a buyer who could not be made responsible for its value, the thief might be compelled to work in jail over and above the period of his sentence for

the offence, for a time sufficiently long to earn the value of the property stolen, which might then be made over to the owner.

The next innovating proposition of the Commissioners concerns the subject of the distinction between penalty and liquidated damages. They do not endeavour to untie the knot, but simply cut it. They abolish the distinction *in toto*, and propose that where a contract contains a stipulation that a specified sum shall be paid in case of a breach, the rule of law shall have no regard to the distinction, but simply require payment of the specified sum. We are strongly against the change involved in this Section. There are cases which must be excepted from its provisions, as for instance, Mahomedan Contracts of Marriage, in which, as pointed out by Mr. Stokes, in order to provide a safeguard against capricious divorces, an amount of dower far beyond the means of the bridegroom is stipulated for. In this particular class of cases, the very object of the penalty is to secure performance of the contract. In indigo contracts and other contracts of a similar nature, the insertion of a penalty has for its direct and immediate object to secure performance of the real subject matter of the contract. In all such cases, under both English and American law, equity has had regard to the principal intent of the instrument, and the penalty has been deemed only as accessory, and therefore only as intended to secure the due performance of the contract or the damage really incurred by the non-performance. This is a most reasonable principle. No doubt it had its origin in the same set of ideas that passed laws against usury, but it rests on other foundations also; and although the usury laws have been repealed with general consent, no argument of weight has ever been raised against the theory of liquidated damages. The Courts in India have, moreover, constantly acted on the distinction between penalty and liquidated damages, and no resultant hardship has ever been alleged. The innovation has therefore no ground to rest upon, unless it be the difficulty of including the result of the reported cases in a set of abstract propositions. But we think it quite possible to untie this knot without cutting it. The framers of the New York Civil Code have attempted to do so not unsuccessfully. They make void every agreement by which the amount of damage to be paid, or other compensation to be made for a breach of an obligation, is determined in anticipation thereof, unless when, from the nature of the case, it would be impracticable or extremely difficult to fix the actual damage.

"In dealing with the *Law of Suretyship*," say the Commissioners, "we have not thought it right to recognize a transaction

“ so complicated, and tending so much to the unfair devolution of  
 “ liability on the surety, as that by which a creditor who makes  
 “ a composition with or agrees to give time to, or not to sue the  
 “ principal, may yet reserve his rights and remedies against the  
 “ surety. By the rule which we propose, an agreement between  
 “ the creditor and the principal, by which the creditor makes a  
 “ composition with, or agrees to give time to the principal, or not  
 “ to sue him, will discharge the surety ; no exception being made  
 “ in favour of the creditor in the case where he has endeavoured  
 “ to reserve his rights and remedies against the surety. From a  
 “ wish to avoid subtleties, and the attaching of unforeseen conse-  
 “ quences to men’s actions, we have provided that where there  
 “ are co-sureties, a release of one of them by the creditor shall  
 “ not discharge the others, nor free that one from responsibility  
 “ to them. Adopting a provision of the French and Italian  
 “ Codes, we propose that the surety shall be discharged by  
 “ any act or omission of the creditor, only in case the  
 “ eventual remedy of the surety against the principal is thereby  
 “ impaired. We also propose to enact that where upon the  
 “ face of an agreement two persons are primarily liable to a  
 “ third person, that liability shall not be effected so far as re-  
 “ gards the third person by an arrangement between the two,  
 “ that one of them shall be liable only upon the default of the  
 “ other, even although such arrangement may have been known  
 “ to the third person, unless he was a party to the arrangement.  
 “ In this we adhere to the old and simple doctrine of the Com-  
 “ mon Law, rejecting the qualifications introduced by Courts of  
 “ Equity.”

With respect to the first point, we see no objection to the change, as there is no good reason why a creditor should, while giving time to, or making a composition with a debtor, be permitted to reserve his rights against the surety without the consent of the latter. No doubt, where the latter was a consenting party, the maxim “*modus et conventio vincunt legem*” would apply, and the Section would have no effect. With respect to the case of co-sureties, it has been settled by the later decisions of English law that the release of one of two or more co-sureties releases all. The change proposed by the code is in accordance with an earlier *dictum* of Lord Eldon, and is fair and just. When one man becomes a surety with several others, he is doubtless influenced by the consideration, that if the principal fail, he will be liable only for a portion of the loss, and the creditor is strengthened as to his remedy by having more than one surety. Such an agreement is therefore tripartite, and it is not equitable that any of the three parties should favour any

other party to the loss or injury of the third. If the creditor wishes to release all the sureties, he can do so *totidem verbis*. If, however, he release one only, it is not equitable that the others should lose his contributory share in the case of the principal failing. The provision adopted from the French Code fairly limits the application of the principle to the extent of the ground on which it is founded. As to the second point, where two persons are on the face of an agreement primarily liable to a third, there is no reason in the equity of things that such agreement should be affected by the knowledge of the obligee, that one of these two persons was, as between themselves, merely the surety of the other. If the second obligor wished to be liable only on the default of the first, it was easy to stipulate to this effect. Failing such a stipulation, it is no more reasonable to introduce into the obligee's part of the agreement so as to affect him, the fact of the two obligors being really principle and surety, than it would be to limit his remedy against them to one-third and two-thirds of the liability, if they had respectively to his knowledge shared the original consideration in these proportions; and this has never yet been attempted.

We come next to the subject of *bailment*, and here we cannot agree with the Commissioners. They say: "In our rules on the subject of bailment we have discarded the complicated system of gradation which the English law applies to the amount of care which a bailee is to be expected to exercise, and the responsibility which is to attach to him; and we have framed our proposed law on the principle that in all cases of bailment, the bailee is bound to take as much care of the goods bailed to him as a man of ordinary prudence would take of his own goods, and that more should not be required of him in any case."

We are apprehensive that the Commissioners, in simplifying this portion of English law, have overdone their task. The Sections of the Code which they have drawn up would be unexceptionable, if they were to apply only to *unremunerated* bailees, but they are a complete failure when they come to be applied to *remunerated* bailees. If my friend obliges me by becoming the custodian of my property for a time, I should be entirely satisfied if he looks after it along with his own, and commits no culpable neglect. But if I pay a man to be the custodian of my property, I have a right to his time, and it is his duty to guard my property, even though he have to neglect his own. We do not advocate the adoption of the English Law of Bailment as a whole, but we think that the question of remuneration points to a broad and important line of distinction which

ought not to be overlooked. We earnestly trust that it will not be so.

In connection with the chapter on bailment, the Commissioners further remark :—"We have endeavoured to improve the law applicable to the case where the bailor's goods have, without the consent of the bailor, been mixed up with the goods of the bailee, so that they cannot be separated. The remedy which our rule provides is, that the bailor shall be entitled to receive compensation for the loss of his goods, which seems more expedient than the provision of the English law, that the whole shall go indiscriminately to the person whose goods have been mixed without his consent." The change here proposed is not inequitable, and will doubtless meet most cases, though some cases might well be imagined, which would point to the necessity of a distinction between admixture by neglect, carelessness, or want of thought, and admixture from fraudulent motives.

The provision that a continuing guarantee given by, to, or for a firm shall not be rendered invalid by a change in the firm, restores the law to what it was before the statute 19 and 20, Vict. cap. 97. In order to render the innovation completely equitable we would further provide, that notice of the change in the firm should be given to those concerned, who would thus have an opportunity of altering their position, if they wished to do so. "In regulating the devolution of rights and liabilities," say the Commissioners, "we propose, in accordance with the rule of English Courts of Equity and of the Indian Code of Civil Procedure, that joint liabilities and rights shall, after the death of one of the persons liable or entitled, go to his representative jointly with the survivor, and after the death of the survivor to the representatives of both jointly." The change here proposed, like every other change that coincides with the doctrines of English equity, is good, and has our entire concurrence. It is, moreover, no innovation, as far as a large proportion of those legislated for is concerned.

It is proposed that a person who chooses to make a contract as an agent, when he is in reality the principal, shall not be permitted to *require the performance* of it. As the Code does not provide for specific performance, the wording of the Section we refer to, would seem to be not exactly correct, and we would suggest its being altered. No doubt what is intended is, that the person who held himself out as an agent when he was not such, would not be permitted to sue on the contract for damages, for non-performance, or otherwise. The person who was induced to contract with him, should, however, be permitted to sue for any remedy he wished, and this we would express in so many words.

In laying down the exact limit of the responsibility of a master for the misconduct of his servant, the Commissioners have, with a due and not excessive regard to the interests of the former, made such provisions as shall limit the master's responsibility to that point where the misconduct assumes the character of intentional wrong doing. There can be little doubt that this is a fair and proper limit to the responsibility, and that the cases under English law have gone too far.

The next change is equally good, and will receive the approbation of all who have studied the subject with the liberal views of a jurispudent and not the narrow notions of a mere lawyer. It concerns the disposition of the separate and private property of a partner, in the payment of partnership debts and private debts.

"According to the English law, when there is any partnership property, the separate property of any partner must be employed first in the payment of his separate debts; and the surplus, if any, in the payment of the partnership debts; but when there is no partnership property, the separate property of any partner must be applied equally to the payment of all the partnership and separate debts for which such partner is liable. It thus depends upon the existence or non-existence of partnership property, no matter how small in amount, which of the two rules is to govern the division of the separate property of the partners. We have thought it right," say the Commissioners, "so to frame the law that the rule first stated, which is more equitable, shall prevail whether there is any partnership property or not. The principle on which we proceed is that of having regard to the views of the creditor in giving the credit. In contracts with a firm partnership property is primarily looked to; in dealings with a partner with which the firm has nothing to do, all that is looked to is his own sufficiency." The alteration here proposed would certainly secure the approval of many eminent equity Judges both in England and America, and we hope to see it become law, as we have no doubt it will.

Connected with the law of partnership, the Commissioners further propose to enact that every person introduced as a partner into a pre-existing firm, shall be subject to all the obligations incurred by the firm before he was introduced. This idea is taken from the German and Italian Commercial Codes and is a great innovation on English law, under which the liability of each partner to third persons in respect of the engagements of the others, commences with the commencement of his partnership. No partner is liable for contracts made before

he joined the firm. It has been held that such liability will not accrue even where the partnership was by agreement to have a retrospective operation. If, indeed, after a new partner joined the firm, he received benefit from contracts previously made, and recognised their existence, he might become responsible by virtue of a new contract to the same effect as the old one, of his having entered into which along with his partners, his conduct\* will be evidence. We would gladly see the new Section discussed with some share of intelligent care by the commercial members of the Legislative Council. There might be many cases in which its operation would work considerable hardship; as for instance, where a new partner had been induced to join the firm by fraudulent concealments or misrepresentations of the old partners. The Commissioners have given no reasons for the introduction of the principle, and we are wholly unacquainted with its working in Germany and Italy, countries, the legislation or commerce of neither of which ranks foremost in the world of nations.

Such are the changes proposed to be introduced by the Law Commissioners in simplifying, while applying, the English Law of Contracts to India. The Partnership Amendment Act we do not here discuss, as it is merely incorporated in the new Code for the sake of uniformity, having already become part of the law of India. Some of the changes proposed are of no doubtful expediency, while others, though not without authority, are yet to be regarded with caution, and should not be received without further discussion and further proof of their merits. There are a few which, in our opinion, ought to be summarily rejected. The proposed Code is not a complete measure, inasmuch as there are many branches\* of the Law of Contracts which it does not touch at all. It is not a pure and unmixed measure, as it deals with many matters not altogether connected with contract; as for instance, the liability of a master for the misconduct of his servant, which is a matter connected with *tort* rather than *contract*. We believe, however, that it will be a vast improvement on that portion of equity and good conscience which it will supplant, and improved, as it will be, by the future incorporation of the experience of facts as they arise, it will be the germ of a valuable body of Indian law.

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\* One of the most important of these is the "Specific Performance of Contracts," the difficulties of which, aggravated by demands for special measures, have induced the Council to postpone dealing with the subject for the present.



In conclusion, a Section should be inserted in the Code distinctly defining the time from which the new law of contract is to have effect, and whether its provisions are to be in any wise retrospective, or strictly prospective only. We would not leave it to the Courts in the Mofussil to apply with all its exceptions the maxim—" *Nova constitutio futuris formam imponere debet, non præteritis.*"

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## RAMGOPAL GHOSE.

**B**OTH the leading European and the Native journals have announced with unfeigned sorrow the death of Baboo Ramgopal Ghose. The melancholy event took place on Tuesday the 25th January, 1868, and called forth expressions of deep regret from several public bodies with which he was associated. A few hours after his death, the Agri-Horticultural Society passed the following resolution :—

“ That this meeting desires to put on record its deep regret at the death of Baboo Ramgopal Ghose, who was connected with the Society for many years, and rendered valuable services in furtherance of its objects.”

On Thursday the 27th January, the Committee of the “ British Indian Association ” met and lamented the severe loss they had sustained by the demise of their able and energetic colleague, but deferred passing any formal resolution till the next annual meeting of the Association to be held in all February. On Monday the 31st January last, the Native Committee of the District Charitable Society met and adopted the following resolution, which has been endorsed by the Central Committee :—

“ That the native Committee records its deep regret at the death of their late President, Baboo Ramgopal Ghose, who was connected with the Committee since its appointment, and took the greatest interest in promoting its objects.”

On the 22nd February, an influential meeting of the friends and admirers of Ramgopal Ghose was held at the Hall of the British Indian Association. In moving the first resolution Baboo Peary Chand Mittra read the following letter from the Government of Bengal, evincing the high estimation in which the lamented deceased was held.

TO BABOO PEARY CHAND MITTER.

“ DEAR SIR,—I have the pleasure to acknowledge the receipt of your letter of the 8th instant informing me of the intention of holding a public meeting to vote a testimonial to the memory of the late Baboo Ramgopal Ghose, and signifying a wish to be enabled to read at the meeting an expression of opinion on the part of the Government of Bengal, with reference to the services rendered by him.

"The Lieutenant-Governor is fully aware of the high opinion which the Bengal Government has always entertained of Baboo Ramgopal Ghose's ability and qualifications for public business; and I need scarcely say that the intelligence of his death was received by His Honor with great regret. How highly the Government valued Baboo Ramgopal Ghose's opinion is evinced by the number of occasions on which he was called on by Government, to give his assistance as a member of a Committee during the last quarter of a century. Baboo Ramgopal Ghose was a member of the Police Committee of 1845, of the Small Pox Committee of 1850, of the Central Committees for the collection of works of Industry and Arts for the London Exhibition of 1851, and the Paris Exhibitions of 1855 and 1867, and of the Bengal Agricultural Exhibition of 1864.

"He was also a member of the Council of Education from September, 1848 to its dissolution in January, 1855, and an Honorary Magistrate and a Justice of the Peace for the Town of Calcutta. He was, besides, a member of the Lieutenant-Governor's Legislative Council from October, 1862 to October, 1864.

"On the expiration of his term of Office in the Legislative Council, Baboo Ramgopal Ghose was addressed as follows:—

"The Lieutenant-Governor fully 'recognizes the value of the services you have rendered to the State, as a member of the Local Legislature, and desires to express his acknowledgments for the valuable counsel and advice he has received from you.'

"Should you think that it will cause satisfaction to the meeting to know the estimation in which the Baboo was held by the present and former Local Government, I beg that you will make any use of this letter which you may think fit.

"Yours faithfully,

"H. L. DAMPIER,

*"Officiating Secretary to the Government of Bengal."*

The resolution adverted to above and which was unanimously adopted by the meeting was as follows:—

"That this meeting desires to record its deep sorrow at the death of Baboo Ramgopal Ghose, who, by his example as a self-made man, always distinguished by a rectitude of principle and independence of mind, and by his patriotic exertions in behalf of his countrymen, directed by a rare intelligence and judgment, and seconded by valuable natural gifts and a thoroughly liberal spirit, materially helped and benefited the community to which he belonged." By way of memorial

the meeting voted a portrait of the lamented Baboo, and also the erection of rooms at the Nimtollah Ghaut, to be called after his name, for the accommodation of persons accompanying dead bodies for cremation.

Ramgopal Ghose was a valuable and a remarkable man. Born of humble parentage, and deprived of the adventitious aids afforded by rich and powerful friends and relatives, he in a great measure educated himself, made his way in the world, and rose to a high position. As he manifested in his life a noble and elevated spirit and has left foot-prints to guide his countrymen to a better path, we think a brief sketch of his life will interest all who are interested in the regeneration of this country.

Ramgopal was born at the house of his maternal grandfather, Dawan Ramprosad Sing, situated in Bechoo Chatterjee's Lane, in the Bengali month of Kartick, 1221, corresponding to October, 1815. He was the son of Gobind Chunder Ghose who was an inhabitant of the village of Bagattee near Treebanee, Zillah Hooghly, and who kept a small cloth-shop at China Bazar. He acquired the rudiments of his vernacular in a *Patshala*, and those of the English language in Mr. Sherbourn's school, where Dwarka Nath Tagore, his amiable brother Baboo Roma Nath Tagore, and several others had before him graduated. What he learnt with old Mr. Sherbourn was not probably much; for he was not a studious boy, but one delighting in *gooleedanda*. He entered the Hindoo College at about 13 years of age, and soon after gave promise of a distinguished academic career. It is said that his name was originally "Gopal Chunder," but when he was introduced into the Hindoo College, and the Head Master asked his name, he lost his presence of mind and uttered only "Gopal." The Head Master asked what his first name was—was it "Ramgopal?" He answered involuntarily in the affirmative. The curriculum of the College did not then embrace such a wide and deep range of studies as now. Russel's Modern Europe and Shakespeare were taught in the senior classes. But then the system followed was quite different from the University system which now governs our colleges. It was not based on "cramming;" and was calculated to turn out intellectual men and not intellectual machines. The mind was not then as, now, overlaid with such an immense quantity of undigested learning that little or no room was left for its unfettered action. It is true that the number of books read in the senior classes was limited, but the boys were required to pursue a larger range of reading to enable them to answer searching questions, with reference to the different

departments of literature and science to which the examination extended. The distinction between the existing system of tuition and that which then existed is, that the course which is now defined was then in a great measure undefined. The pupils had therefore to read other than class books, and they exchanged thoughts with each other, as they knew well that the examination would not be limited to the mere subject matter of class instruction. One circumstance worthy of notice is that the senior students of the Hindoo College were thoroughly imbued with a love of knowledge, which was vividly manifested by the establishment among them of *conversaziones* and debating clubs, which necessarily forced the young men to study books on metaphysics, politics, and political economy. In all these efforts to enlarge their minds, they were essentially aided by Mr. Henry Lous Vivian Derozio, who acted as a guardian spirit in and out of the walls of the College to every pupil who shewed the least appreciation of or thirst for knowledge.

Mr. Derozio felt it his duty to teach not only words but things, to touch not only the head but the heart. He sought not to cram the mind, but to inoculate it with large and liberal ideas. Acting on this principle, he opened the eyes of his pupils' understanding. He taught them to think, and to throw off the fetters of that antiquated bigotry which still clung to their countrymen. In truth he imparted a freedom of thought and action which culminated in an open renunciation of Hindoo idolatry and in an aggressive heterodoxy. Ramgopal joined the youthful band of reformers who had gathered round Mr. Derozio as their central light. He was one of the first to benefit by Mr. Derozio's teaching, and to renounce openly the religion of his fathers. He manifested his heterodoxy, like his fellow-collegians, by actually cutting his way, as one of the newspapers of the day not inaptly expressed it, "through ham and beef, and wading to liberalism "through tumblers of beer." But his moral courage and determination of spirit were tempered and directed by prudence and foresight. We are able to declare from a pretty extensive observation, that the mental training imparted by the old Hindoo College was more healthy than that of the University, and was better calculated to train students to habits of vigorous and independent thought. Of this the late Russick Krishna Mullick, the Reverend K. M. Banerjee, and Ramgopal Ghose are striking and satisfactory examples.

About 1830 Mr. Anderson, a member of Messrs. Colvin and Co., requested David Hare to select for Mr. Joseph (a

merchant who had recently come out to Calcutta), an intelligent young man who could act as his assistant. David Hare, who had watched with interest his career in the College and noted his shrewdness and firmness, at once selected Ramgopal Ghose who was then 17 years old for the post. Although Ramgopal left the College for the counting house, he used to visit his *almamater* every Saturday, when he had a holiday (Mr. Joseph being of the Jewish persuasion), and attended lectures with the pupils of the first class. On being installed as Mr. Joseph's assistant, he directed his attention to the study of the markets in and out of Calcutta, and to the acquisition of knowledge regarding the natural produce of the country. Of the articles which he studied, sugar engaged his attention largely, as at that time it was one of the most important articles; being protected by a differential duty, and the export from Mauritius and the West Indies to Europe being unimportant. There is no place in Bengal where sugar is manufactured which he did not visit. He also paid good deal of attention to silk, visited Ghattal, Cossimbazar, and other places where that article is manufactured. Linseed and jute were not then largely exported, but saltpetre was, and it also formed his study. Whatever work he had in hand he cheerfully went through, and was never daunted by any difficulty or hardship, saying to himself that "impossibility was not in his vocabulary." He stated to us on one occasion, that he used to live during the day just like a common Sircar and passed the whole time in the bazar, taking his breakfast whenever he could get a few spare moments. While thus wrapped in mercantile pursuits, he neglected no opportunity of improving and elevating his mind by bringing himself into intimate and familiar contact with those, from whom he received elevating influences.

The rubs which Ramgopal Ghose received, and the severe discipline to which his mind was subjected by hard and toilsome work, took off all school-boyishness from his ideas, and imparted a certain solidarity to his character. In 1834, Lord William Bentinck requested Sir (then Mr.) Charles Trevelyan to submit a report on the Inland Transit Duties. Ramgopal had carefully studied their incidence and was so familiar with the subject that he wrote a series of articles signed "Civis," in the *Gyananayshun*, a diglot hebdomadal ably edited by Russick Krishna Mullick. The articles in question were so full of facts, so clear and so much to the point, that they must have made a strong impression upon the authorities and influenced their action. They rendered the same kind of service to the Government that the letters of Mr. H. M. Parker on Salt had just before rendered.

In consequence of the appointment of Russick Krishna Mullick to the office of Deputy Collector in the Mofussil, Ramgopal undertook the editorship of the *Gyananayshun*, but he was obliged shortly to drop it and the paper died as many a journal had before and have since died after rendering good service. Although the calls of business on his time were incessant inasmuch as he was then banian to the firm of Joseph and Kelsall, yet he found time to conceive and carry out schemes for the improvement of the educated natives. He had noted that while pursuing their studies at College, they evinced great love of knowledge and made great progress in it, but after leaving student-life and entering the world they generally unlearned what they had learnt, deteriorated in many respects and in fact sank in the mass around them. In order to cure this evil and to open out a field for the increase of their talents, he projected the establishment of a Society for the Acquisition Of General Knowledge, which was formed in 1839. He was to have delivered the inaugural address to the members of the Society, but the occurrence of a sudden domestic affliction, the death of his only son, with which he was visited on the very day of the meeting, prevented his attendance. A number of papers were read at the monthly meetings of this Society, and the three Parts of the Transactions which were published from time to time, testify to the useful career of this institution. Ramgopal Ghose also established an epistolary club which worked satisfactorily for a time. His next project was the establishment of the *Bengal Spectator*, a diglot weekly publication, which he placed under the editorial charge of his friend, Baboo Peary Chand Mittra. Thus we find that Ramgopal, while working strenuously at his desk, could devote much time and attention to literary and political undertakings. He prospered most while banian to Messrs. Kelsall and Co. He lived in the Camarhatti Grove and kept an open table there. He owned a steam boat, the *Lotus*, which he used to steer himself. About this time he was admitted a partner of Mr. Kelsall who had separated himself from Mr. Joseph, and the style under which the firm was carried on was Kelsall and Ghose. In consequence of good connections made in England, this firm did business to a large extent and very successfully. The Godowns always contained metals and piece-goods worth no less than 60 lacs of rupees. The real working man of the house was Ramgopal Ghose, and it was then something novel to see a native of Bengal occupying a high position in the firm, ordering his English assistants to carry out his directions in the different branches and at the different stages of a ramified business in a large counting house. It was, we repeat, a sight to see a Hindoo correcting

English drafts of letters prepared by English assistants, and giving those assistants clear directions as to what they were required to do in the correspondence and other departments.

The success which Ramgopal Ghose achieved in his mercantile career brought him prominently to the notice of the Government. The first Committee of which he was appointed by Government a member, was the one that sat in the Town Hall in 1845, to enquire into the affairs of the Calcutta Police. This Committee of which Mr. Patten, the then Chief Magistrate was the President, passed *sub-silentio* over many important matters, but Ramgopal Ghose and Mr. Alexander Rogers dissented and sent in a separate report. But the rotten state of the Calcutta Police was allowed to continue in its fermentation, till the noxious effluvia stank in the nostrils of the public. No attempt at reformation was made, till Messrs. J. R. Colvin and W. Dampier were appointed a Commission to enquire into, and report on the state of the Calcutta Police. The result of the enquiry shewed that the Police was rotten from the top to the bottom.

In 1850, Ramgopal Ghose was appointed a member of the Small Pox Committee and in the following year, a member of the Central Committee for the collection of works of Industry and Art for the London Exhibition. Ramgopal Ghose always took a deep and abiding interest in the cause of native education, and at this time he identified himself with it. Education was then a plant of tender growth in Bengal and required careful nursing, which it received at the hands of David Hare. Him Ramgopal supported and co-operated with in various ways. He was a frequent visitor at David Hare's school, and encouraged the senior boys thereof by prizes and personal encouragement. He held out similar encouragement to the meritorious students of the Hindoo College. He established a school at *Tontoneeah*, and a Library in connection with it. He was always liberal with his money in promoting the education of his countrymen, and whenever he thought he could be of use to an institution, he never failed to help it. He distributed 100 copies of Marshman's History of India, when it was first published, to the meritorious students of different schools. He also offered prizes to the extent of one thousand rupees to the students of any school who should produce the best essays on certain prescribed subjects. Not content with awarding pecuniary aid and prizes, he gave much time to the consideration of the *modus operandi* for giving efficient education in colleges and schools. He was warmly interested in the



Medical College, and he regarded it as a great experiment, the success of which was fraught with results of the last importance to his country. He made a present of a splendid case of surgical instruments to that Institution. When the question of sending four students of the Medical College to England to complete their education, was mooted by Dr. H. H. Goodeve, Ramgopal warmly supported him and encouraged the young medicos that had been selected, to persevere in their determination. The prejudice against crossing the *Kalapancee* and visiting England was then almost unconquerable, and Ramgopal was afraid that the courage of the students might give way at the eleventh hour. To guard against such a contingency, he kept up with them the whole night on board the steamer, cheering and encouraging them till day-light, and did not come away till the vessel left her moorings. His services in furtherance of the cause of education had prepared him, as it were, for a seat in the Council of Education, and it was offered to him in September, 1848 by his friend, the late Drinkwater Bethune, soon after the appointment of that gentleman to the office of President of the Council. Ramgopal did good service as a member of the Educational Board. Though he was not well up in the minute details of the different systems of education, yet his strong common sense suggested to him the real requirements of education. Dr. Mouat, the only member of the defunct Council of Education now in this country says in a letter before us. "In fact, I can look back upon no part of my early career in connection with education, which is not associated with him (Ramgopal.)" The subject of our memoir indited several elaborate and valuable Minutes shewing the defects of the principal educational institutions. In one of these Minutes, he advocated the appointment of Pundit Essur Chunder Vidyasagur to the Principalship of the Sanscrit College. When, however, the man of his choice took charge of the Sanscrit College and submitted an elaborate scheme for its re-organization, he did not support it, but proposed to refer it to Dr. Balantyne. Again, when Mr. Drinkwater Bethune, at an annual distribution of prizes to the successful students of the Hindoo College at the Town Hall, made a violent and unjustifiable attack on the private character of Captain D. L. Richardson, the late Principal of the College, Ramgopal joined several other members of the Council of Education in condemning the conduct of its President. These two facts shew that Ramgopal could put aside his personal feelings when dealing with public men and public measures. Pundit Essur Chunder Vidyasagur was one of his intimate friends, and

had been placed at the head of the Sanscrit College through his advocacy. To Mr. Drinkwater Bethune he owed his appointment to the Council of Education, and for him he cherished strong feelings of esteem. But he did not hesitate to condemn the scheme of the one and the conduct of the other, when he was called upon to pronounce his judgment. This honest and conscientious discharge of duty did not however alienate from him Mr. Bethune who continued to trust him as before, and who vested him with large powers of, superintendence over the Female School established by him at Cornawallis Square. Ramgopal set the example of sending his daughter to that school and did everything in his power to render it a success, but unfortunately the prejudices of his countrymen neutralised his exertions and rendered it a failure. On Mr. Kelsall's return from Europe in 1846, he made himself disagreeable to Ramgopal Ghose, and this led to the retirement of the latter from the firm. Mr. Kelsall had been a warm-hearted friend to Ramgopal, and there had been many exchanges of presents between them. But this unfortunate misunderstanding led to some heart-burning and Ramgopal could not think of retaining the presents he had received, but returned them to the donor. He is reported to have retired with upwards of two lacs of rupees, in addition to which he had purchased some landed property. This, no doubt, was more than Ramgopal could have dreamt of in his boyhood, for at one time he felt so much pinched that he did not know how to keep body and soul together, and he actually waited upon a friend to ascertain whether he could influence the proprietor of the *Reformer* to pay him Rs. 10 to Rs. 12 a month, for his contributions to that paper. In 1848 a severe mercantile crisis occurred in Europe, and its intensity and duration may be measured by the collapse of many a firm that had stood many a storm. Ramgopal Ghose found that as a member of Kelsall and Ghose, he had drawn bills to a large extent on England which, if not honored at maturity, he would be liable for, as his retirement had not exceeded the period limited by law for such liabilities. He consulted some of his friends, and one evil spirit among them suggested to him the advisability of making a *Benamtee* of his property. Ramgopal Ghose scouted the idea and declared that he would "stand or fall with his honor." When he left the firm of Kelsall and Ghose, he thought that his mercantile career was over, and that he would now live in retirement and solitude. But being then full of health and spirits, he felt that it would be impossible for him to lead an idle life, having been accustomed to an active one. He took to travelling

and visited almost every part of India, but when he came back to Calcutta, he began to consider what he should do. He corresponded with Mr. Anderson who was a member of a mercantile house in Liverpool. Encouraged by his advice, he established a house under the style of R. G. Ghose & Co., in the Writers' Buildings. Months passed away, and there was no assurance of any business coming to him and he felt himself somewhat unsettled as to whether he should carry on the new firm or enter into some new profession. He thought of entering the bar of the Supreme Court by going to England and eating his "terms of mutton" at the Inns of Court. He felt at this time some anxiety of mind, but his spirits did not droop. Whatever he might do, he was resolved to live independently, and not as a servant of the Government. He was offered about this time by the Government of Bengal, the Second Judgeship of the Small Cause Court, as Baboo Russomoy Dutt had owing to failing health applied for leave preparatory to his retirement. But he respectfully declined the offer, observing to a friend that he did "not like to eat Company's "Salt."

In the course of a short time he began to gain friends, and his business increased. He had been trained to execute orders for shipment of produce and the sale of imports. At this time a new and profitable business sprang up, as if by accident. As soon as a portion of Burmah was subjugated, its resources came to be known, and the article which attracted the attention of English merchants was rice. Ramgopal was one of the first who drew the attention of his English constituents to the Burmah rice. This led to large orders from England, as the samples of Burmah rice sent convinced people at home that that rice would be largely consumed in Europe, being required for purposes of distillation, starch, and admixture with flour. He established a branch firm at Akyab, and another at Rangoon which he placed in charge of his assistant, and afterwards partner, Mr. Field. Mr. Field, however, died shortly after he was made a partner. Ramgopal now finding it difficult to manage his extending business single-handed, admitted two of his senior assistants and his son-in-law as partners. He was the making of several other young men whom he took by the hand and trained as banians and mercantile assistants. Some of them are now connected with first-rate firms as chief, or deputy banians, and no doubt acknowledge with gratitude the benefits of the training they received from Ramgopal.

Ramgopal Ghose was a faithful and helpful friend, assisting with his advice and money such educated natives as needed them.

His ear was never deaf to the calls of distress. He was an open-handed as well as open-hearted man, and charity was a conspicuous trait in his character. There was scarcely a public subscription set up to which he did not contribute, and his enlightened liberality might well be emulated by his more opulent countrymen.

When Mr. Macdonald Stephenson, the sub-editor of the *Englishman*, projected the East Indian Railway, Ramgopal Ghose was one of the first to recognize its feasibility and to use his best exertions for carrying it out. On the day of its opening he engaged for himself and a few friends an entire Garee and proceeded to Chinsurah.

Ramgopal Ghose was naturally endowed with the "gift of the gab," and eagerly sought for opportunities for cultivating and improving his oratorical powers. He found such opportunities in the Academic Association and other debating clubs. The Academic Association was founded by Mr. Derozio, and used to meet in the hall of Mr. Hare's school every Saturday evening. Among the European visitors who frequented the meetings were Sir Edward Ryan and Colonel Benson, Private Secretary to Lord William Bentinck. Ramgopal made it a point to speak at every meeting, and soon proved an able and eloquent debater. The Academic Association was to Ramgopal what the Oxford Club has been to many an English orator.

On the 10th October, 1844, Lord Hardinge passed a Resolution enjoining the officers of Government to give preference in the bestowal of appointments to educated natives, *ceteris paribus*, over uneducated natives. A public meeting of the native community was held at the hall of the Free Church Institution on the 25th November, 1844, to adopt an Address expressive of gratitude to Lord Hardinge for the Educational Resolution. At this meeting Ramgopal made a stirring speech in support of a resolution adopting the Address. The report of the proceedings of this meeting will be found in the *Bengal Hurkaru* of the 28th November, 1844. At the public meeting held in the Town Hall for commemorating the administration of Lord Hardinge, Ramgopal took a prominent part. It appears that the promoters of the demonstration, who comprised some of the leading barristers, had prepared an Address, in which there was no mention made of the services rendered by Lord Hardinge to the cause of native education. When the Address was introduced, the Reverend K. M. Banerjee pointed out this omission and proposed an amendment to supply it. But he was snubbed by Mr. James Hume and clamoured down by his clique. On this, Ramgopal took up the cudgels on behalf of

Mr. Banerjee, saying, that as foreigners he and his friend did not profess to know English so critically as those whose mother tongue it was, but if his proposition was sensible, he trusted that there would be found some one among the crowd of Englishmen he saw around him, both able and willing to clothe his idea in proper English. Mr. Hume and his confreres were at once silenced, and Mr. afterwards, Sir James Colville undertook to frame a paragraph on the subject. Emboldened by this success, Ramgopal, in opposition to the barristers, moved an amendment for a statue to Lord Hardinge. The speech which he made was so impressive that he carried the meeting entirely with him. Mr. Hume himself complimented him on his oratorical powers. Nevertheless, he demanded a division, and not satisfied with a shew of hands, moved that those who were for the amendment should stand in one corner, and those who were against it in another. The result was that Messrs. Hume, Turton, and one or two others only were in the corner "nay," and the rest of the gentlemen in the corner "aye." The triumph of Ramgopal was thus complete. The Europeans at the meeting congratulated him and his country saying, that "it was a proud day for Bengal." The next morning the *John Bull* wrote to announce the startling fact that "a young Bengalee orator had floored three such barristers, as Turton, Dickens, and Hume," and gave him the name of the Indian Demosthenes. The speech was an undoubted success. It made his reputation as an orator.

It happened that in 1844, Mr. George Thompson came out to India with Dwarka Nath Tagore. The fame of Mr. Thompson as an abolitionist and an orator had preceded him, and Ramgopal Ghose rejoiced to hear of his arrival and entertained ardent hopes of being able to promote with his co-operation the political elevation of his country. Ramgopal Ghose was the first to welcome Mr. Thompson on board the steamer. Mr. Thompson brought himself into contact with the educated natives of Calcutta, and held several *conversazioni* and meetings which resulted in the formation of "the Bengal British India Society." Ramgopal took an active part in the establishment of the Society, and proved the most zealous and efficient coadjuter of Mr. Thompson. Soon after this event, the London papers announced that Mr. Sullivan had introduced at the Court of Proprietors of the East Indian Stock, a motion for giving effect to the 87th Clause of the Charter Act 1833, throwing open the Civil Service to the natives of India. The Bengal British India Society brought out opportunely a pamphlet embodying all the evidence as to the efficiency of native agency,

and the members of that body, feeling grateful to Mr. Sullivan, convened a public meeting at the Town Hall, at which Ramgopal Ghose made the opening speech in support of the first Resolution which he moved. Another scheme of improvement in which Ramgopal Ghose was engaged with two of his friends, one now no more, another living, was to send to England by every mail a precis of such leading events as might deserve the attention of friends in England who felt interested in India and in the Indians. Ramgopal's political proclivities gradually assumed an aggressive development. They were, however, all arrayed on behalf of his country and aimed at the political elevation of his countrymen. They found ample field for exercise in the British Indian Association which was established in October 1851. He continued till his death to be a leading member of this important and useful body, taking an active part in its deliberations and evincing the most lively interest in its proceedings. In politics, Ramgopal Ghose was a zealous and indefatigable reformer. While he considered it was the duty as well as interest of the native British subjects of India to remain faithfully attached to the British Government, he was at the same time of opinion that every legitimate constitutional means ought to be employed for the redress of their grievances.

On the 3rd June, 1853, Sir Charles Wood, as the President of the Board of Control, introduced in the House of Commons the ministerial scheme for the Government of India. This scheme, however unexceptionable in some respects, did not satisfy the just and reasonable expectations of the native community. They were deeply disappointed at the omission of several important, and in their estimation, essential questions, such as the admission of natives into the Legislative Council of India and the Civil service, provisions for increasing the emoluments of native judicial officers, and the extension of reproductive public works. Ramgopal Ghose being deeply impressed with the necessity and importance of agitating these questions, moved the leading members of the native community to convene a public meeting for the purpose. Accordingly a public meeting was held on the 29th July 1853. It was the most crowded meeting that had ever been witnessed in Calcutta. Hundreds upon hundreds were obliged to return without getting beyond the steps of the Town Hall. The number of persons present in the Hall and its immediate neighbourhood, was variously estimated at from 3,000 to 10,000. Almost every native gentleman of distinction resident in or near Calcutta appears to have been present, and every section

of native society was fairly represented. Ramgopal Ghose, the informing spirit of the assembly, made the most telling speech on the occasion. It was his *chef d'œuvre*, and made a profound impression. It was afterwards eulogised by the *London Times* as a master-piece of oratory. The impressive perforation which we quote below, fully justifies the eulogy of the leading journal.

"Now he ( Baboo Ramgopal Ghose ) argued whether reasonably or not let the public of India and of England judge, that the system which proposed to educate the inhabitants of this country in as high a degree as they could be educated, and at the same time to stop the door of exclusion in their faces from the higher prizes of the public service, was an anomaly in itself, and a cruelty to them. (Hear hear.) It was to impart a propelling impetus to the mind of a nation, and then raise an adamant wall to stay its progress: it was to communicate an upward spring to the energies of a people, and then hold over them a ponderous weight, a mountain to crush them down. (Cheers.) Such a system was absurd and inconsistent in the extreme. It would be tantalising the educated youths of this country—it would be trifling with the hopes and aspirations of a nation. Better far to declare openly that India should be governed, not for the benefit of the governed, but for the sole advantage of the governors. Better to do away at once with the freedom of the Press, and at one fell swoop abolish all vestiges of any political rights and privileges, prohibit all public meetings, and proclaim through the length and breadth of the land, that the hand that wrote a petition be lopped off on the block. But God be thanked that such a course of conduct was utterly impossible in the present day, and under the Government under which the natives had the good fortune to live. Even if educational institutions were not extended and improved, the progress of knowledge must now be irrepressible. With a free Press around them, and the growing intercourse of natives with Europeans, it was impossible to stay the rolling tide of improvement. What then was the obvious policy which Great Britain should adopt towards this empire? Certainly to give to the natives an enlightened English education. When so educated, let them be tried here by the same test as is proposed to be applied to English candidates in England. And if any of the native candidates were found successful, let them no longer be thrust aside from entering the pale of the privileged service. He felt assured that this simple act of justice would entitle Great Britain to the lasting gratitude of a nation, and shd

“ would build her supremacy upon a rock guarded by the bulwark of millions of faithful hearts. (Loud and repeated cheers.) ”

It may be reasonably inferred from the passages we have given, that the style of his oratory was clear, significant, manly and nervous, totally unaffected, and free from that verbosity and pomposity which frequently beset our Town Hall orators, both native and Europeans. No one acquainted with the rhetorical art can deny to them merit of a high order. They are precisely “the thing” calculated to arouse and gratify an assembly. On the 25 February, 1862, a public meeting of the inhabitants of Calcutta was held at the Town Hall for the purpose of testifying their respect and gratitude to Lord Canning for his general administration of that country. The first Resolution recording the “high sense” of the meeting “for the eminent public services of the Right Hon’ble Earl Canning during his administration of British India,” was moved by Rajah Radhakant Deb. In seconding it, Ramgopal felt it his duty to applaud Lord Canning’s policy of clemency and conciliation at a time of unexampled agitation, and when there was a cry of bloody and indiscriminate vengeance. He made the following pertinent and telling remarks :—

“ There is one point, and I believe one point only in Lord Canning’s policy on which I have heard a difference of opinion. It has been said that at the time of the Mutiny, he leaned too much towards clemency and conciliation. I do not desire to re-open this sore subject, but this much I might safely say that speaking from a native point of view, the more I think of his Lordship’s conduct during that dangerous period, the stronger is my sense of gratefulness. When the cry was vengeance, ruthless vengeance, who stepped in between the hangman and his victim? Who saved the innocent from being enrolled with the wicked? Who infused into the heart of the avenger a sense of justice? In the midst of the scenes of devastation and massacre, Lord Canning appeared indeed as if he were the protecting Angel from Heaven. It would, therefore, ill-become the native community, if they do not cheerfully tender to him their most grateful acknowledgments for the good that he has done to them. Thanks to that education, which has been so rapidly extending under the fostering care of Lord Canning, there are now thousands and tens of thousands throughout the length and breadth of these vast territories who do understand an understanding appreciate the policy of Government. And amongst those thousands, Sir, I am certain there is not a pulse that will not throb the quicker, as they pronounce a benediction upon the departing Governor-General, there is not a



"tongue that will not raise its voice of commendation, there is not a heart that will not glow the warmest, and glory will bless him who has showered so many blessings upon them."

Distinguished as Ramgopal was by eloquence and several other qualities which go to make a leader of his race, he did not seek or lay himself out for popularity. He lived apart from orthodox Hindoo society, and he exercised little or no influence on it. His whole life even from his college days was a protest against Hindoo idolatry, which he denounced both by profession and in practice. He took liberties in thought and action which scandalized the worshippers of Krishna and Kalli. His mode of living, his eating and drinking, were as English as his mode of thinking and dealing. But Ramgopal Ghose was essentially a representative man. He represented the progressive section of his countrymen, which is commonly denominated "Young Bengal." His virtues and weaknesses were typical of that class. He was usually known among his friends as the "Head Eju" or chief of the educated natives. The European community, both official and non-official, entertained the highest respect for his ability and character, and used to invite him to take part in public meetings. At the meeting to vote an address of congratulation to the Queen, on the assumption by Her Majesty of the direct rule of British India, Ramgopal Ghose spoke a few words which told more on the audience, than the elaborate speech of Mr. Ritchie or the verbose speech of Mr. Wylie. Mr. James Hume, the quondam opponent of Ramgopal, cheerfully acknowledged the merits of his speech in the columns of the *Indian Field*, and added that if Ramgopal had been an Englishman, he would have been knighted by the Queen.

His last public utterance was his thrilling denunciation of the resolution of the Government of Bengal to remove the burning Ghaut from Nimtollah. Though he felt personally no religious scruples against the removal of the burning Ghaut, yet being a man of lively imagination and comprehensive sympathies, he identified himself with his orthodox countrymen, and vividly realized and eloquently represented their grievances. On the 26th February, 1864, the Government of Bengal addressed a letter to the Chairman of the Justices of the Peace, requesting that "the Justices will give their immediate attention to the absolute necessity of putting an entire stop to the practice of burning dead bodies within the limits of the town, or on the banks of the river, and of skinning animals at the Nimtollah Ghaut or elsewhere, where the practice is a nuisance to a populous neighbourhood." The members of the Conservancy Committee to whom the subject was referred, were of

opinion that the burning ground should remain where it is. Their report as well as the letter of the Government being laid before a meeting of the Justices held on the 7th March, 1864, Baboo Ramgopal thus deprecated the Resolution of the Government. "Now, if the Government on the score of a populous neighbourhood, can stop the burning of the dead on the banks of the Hooghly in Calcutta, where is this interference to stop? At any populous place throughout the course of the Ganges, the same arbitrary measure may be enforced. The cremation of the Hindoo may thus be prevented at the holy cities of Benares, Allahabad, and Huridwar. You cannot conceive, gentlemen, the dissatisfaction that will be aroused throughout the Gangetic valley by the adoption of the measure proposed. When the intention of Government becomes generally known, I feel sure an amount of agitation, of excitement and of alarm will be created, which none can conceive, but those who know how dearly the Hindoo prizes and how tenaciously he adheres to this ancient custom of his religion. The Government says, it *may possibly* be sanctioned by religious sentiment. Allow me respectfully to submit that it is our province to declare what is our religious custom and usage. And I can assure this meeting that the inhabitants of the borders of the Ganges from its sources in the Himalayas to its mouth in the Indian Ocean, from Huridwar to Gunga Sangor, have but one feeling, one sentiment, as to the religious custom of the cremation of their dead on its banks. But, call it custom or call it usage, or if you prefer, call it a superstitious prejudice, I submit you are equally bound to respect it."

One of the great public questions to which he gave much serious attention, was the abolition of inequality of law, and the enactment of the so-called Black Act. He thought that the exemption of British subjects from the Mofussil Criminal Courts operated most prejudicially on the interests of the great mass of the natives, and was in fact a gross and grievous wrong to them. It was tantamount to irresponsibility to law, and immunity from punishment on the part of the privileged few, and to denial of justice to the subject many. Ramgopal Ghose was, therefore, strongly of opinion that justice and sound policy, as well as the altered circumstances of the country, required that all classes of Her Majesty's subjects within Her Majesty's Indian dominions should, in all cases of criminal prosecution, for whatsoever description of offence, be amenable to the same laws and be tried by the same tribunals, and that no section of the community should by reason of place of birth, or religion or official position, possess

any exclusive privilege or supposed advantage, distinguishing them in the eye of the law from the rest of their fellow subjects. Impressed with these sentiments, Ramgopal Ghose advocated the Black Act in public meetings and also in a well-written and well-reasoned pamphlet which he put forth on the subject. We cannot resist the temptation of quoting the concluding portion of that pamphlet :—I have noticed with pain not unmixed with surprise that men who are confessedly reformers and radicals in politics are now attempting in order to serve their own party purposes to throw ridicule upon the sacred and indisputable principle of equality before the law. What will Christian men in England of their own political creed, uninfluenced by local prejudices, say of their apostate brethren in the East? Will they admire the spirit of determination which so many British residents have manifested of preserving unimposed, the advantages which they now enjoy over the helpless and ignorant natives? Will they approve of the exclusive feeling which prompts the Englishman to refuse to make common cause with the natives of the land for the reformation of abuses? Will they read with complaisancy the sentiment which dictates the proud assertion that unequals shall not be equal. On the contrary, will not the generous and the noble sons of Britain feel ashamed of their countrymen in India, who are anxious to perpetuate an invidious distinction and preserve their exalted position, at the expense of their native fellow-subjects. Public men in England, I feel persuaded, would rather see the British residents generously cast in their lot with the natives of the land, striving with one united effort to obtain remedies against wrong and oppression." For this advocacy of a most important principle—a principle which had been affirmed and repeatedly recognized by Parliament, and the leading jurists and statesman of England, he was assailed by a section of the non-official Europeans and was unseated as a Vice-President of the Agri-Horticultural Society. But he happily lived to see the principle of non-exemption accepted by the legislature of India and in part incorporated in her Statute Book. The immunity claimed is condemned by every enlightened class of the community British and Hindoo, and must soon cease altogether. It is high time that all classes of Her Majesty's subjects in India were subject to the same jurisdiction and to the same Penal Code and Procedure.

In October, 1862, Ramgopal Ghose was appointed a member of the Legislative Council of Bengal. The selection was unexceptionable and creditable to both the Government and Ramgopal. It gave great satisfaction to the educated natives

who formed high expectations that the new member would faithfully represent the wants and wishes of the Hindoos, and effectually protect their interests and opinions against the conflicting interests and opinions of the ruling people. But these expectations were not realized. There fell upon Ramgopal at this time an excess of langour and indolence, which contrasted strongly with the active and energetic habits of his earlier days. The fact was that failing health had prostrated his energies, and was the cause of his inaction in the Bengal Council. It also impaired his fine intellect, and betrayed him at the end of his life into an act which belied his past career. It at all events showed, that he no longer possessed that moral courage which had enabled him to battle with superstition. He was strong when the enemy was formidable. He was weak when the enemy had lost all strength. He had defied the upholders of orthodoxy, when they were intrenched in the citadel of superstition. He succumbed to orthodoxy when its fabric was crumbling to dust. Though not actually cut off from the pale of orthodox Hindoo society, yet he was known as a heretic and a beef-eater, and was not welcomed at marriages, *shrauds*, and other ceremonial occasions, which required a rigid enforcement of the distinctions of caste. He had felt this social ostracism, but had done nothing unreasonable or undignified to be restored to caste. On the contrary, he had declared to his father on the occasion of the *shraud* of his grandfather, that he would never to save caste tell the Brahmins that he had not taken forbidden food, because it was not the truth. "Father, I would do anything for you, yea give up my life, but would not lie." But a change came over the spirit of his dream, when he lost his mother and wished to celebrate her *shraud* with *éclat*. The upper strata of orthodox Hindoo society, consisting of Brahmins and Kyasts, are divided into *Dols* or social sections, which are presided over by *Dolopotics*. These *Dols* are bound to invite all the members comprising them on occasions of marriage, *shraud* &c. But as Ramgopal Ghose did not belong to any great *Dol* in Calcutta, he thought he would be in "a fix" on the occasion of his mother's *shraud*, if he could not manage to be associated with one of them. Time was when no *Dol* would fraternise with such a confirmed heretic as Ramgopal. But *Dols* have lost their social significance and *Dolopotics* their influence. Ramgopal, nevertheless, had to wait upon and humble himself before several *Dolopotics*, a process of humiliation which he might have easily dispensed with. At last that refuge of the destitute, the *Sohabazar Dol*, having an eye to the main chance, admitted him as a member. Thereupon the *Sohabazar*

people came to his house, and assisted him in performing the *shraud* of his mother.

The homage thus paid to *Dolopoties* who would, if they could, perpetuate error and persecute reform, and the observance of the rites of Hinduism, which he had always declared to be a lie, is but an act of sorry hypocrisy in the life of one who had but few disguises, and who had lived in the broad day-light fully exposed to the observation of his contemporaries. The truth is that Ramgopal Ghose had suffered acutely and long from a complication of diseases, which had prostrated his physical, and enfeebled his mental powers, albeit he naturally possessed both these powers in an extraordinary degree, shewing the *mens sana in corpore sano* to which he owed his successful career. He was not an effeminate Bengalee, but a robust, active, genial and convivial person. He had not met with any great disappointment in life, but with only reverses in business, which he knew well how to grapple with; and his temper, therefore, was not soured. He was no anchorite, but liked to enjoy the good things of life. Though not a gourmand or gourmet, he delighted in rich viands, in crisp cofias and cutlets, in appetising pillaus and inviting curries. His favorite meal was tiffin or lunch, which was served up at his office, and consisted of a profusion of substantial fare.

It is not necessary to sum up elaborately the character of Ramgopal Ghose, because his inner nature is sufficiently illustrated in his outward utterances and actions. He was a successful merchant and was *per se* possessed of certain rare qualities which imply the successful pursuit of a mercantile career, *viz.* foresight and self-denial, confidence and caution, ability to predict and realize the changes in the commercial, and even the political horizon, and above all an intimate acquaintance with human nature. But we have seen that he did not think that making money was the highest ambition of a human being. He never recognised the maxim that "business is business," and can never be tempered with generosity.

He was remarkable for his attachment to his country, and there is no character in which he was more ambitious of appearing than that of the patriot. The ambition that stirred within him was to serve India, and those were not mean services which he rendered to her. As a promoter of education and a patriot, and a politician, he contributed in no inconsiderable degree to the mental enlightenment of his countrymen, and stimulated them to political activity. As a social reformer, he did a great deal for the emancipation of Hindoo society from the thralldom of customs and usages detrimental to progress and happiness.

In boldness and decision and energy of character, in acute good sense, in application to business, in independence of thought and action, and in love for his country, he was one of the most extraordinary Hindoos. In the muster-roll of representative men of this country, of men whose names are conspicuous in movements calculated to promote the moral and material welfare of the native-, a high place will unquestionably be assigned to Ramgopal Ghose.









